

for relief of Oscar Fulgham—to the Committee on War Claims.

By Mr. SOUTHARD: Petition of the Helvetia Milk Condensing Company, against cutting out the clause of agricultural appropriation bill relative to research work on American food stuffs—to the Committee on Agriculture.

By Mr. SULLIVAN of New York: Petition of the city council of Chicago, for sole control of the drainage of the Chicago city canal by the Federal Government—to the Committee on Rivers and Harbors.

By Mr. VREELAND: Petition of the railway employees of Salamanca, N. Y., against the amendment in the railway rate bill prohibiting free passes to employees and their families—to the Committee on Interstate and Foreign Commerce.

By Mr. WHARTON: Petition of the city council of Chicago, for sole control by the Federal Government of the outflow from Lake Michigan into the Chicago city canal—to the Committee on Rivers and Harbors.

HOUSE OF REPRESENTATIVES.

SATURDAY, May 19, 1906.

The House met at 12 o'clock m.

Prayer by the Chaplain, the Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read.

Mr. PAYNE. Mr. Speaker, I move that the Journal be approved.

The motion was agreed to.

REVISED STATUTES.

Mr. JENKINS. Mr. Speaker, I desire to call up conference report on the bill (H. R. 10129) to amend section 5501 of the Revised Statutes of the United States.

Mr. McCALL. Mr. Speaker, if the gentleman will permit me, this report has been pending a long time, and I think it should be disposed of; therefore, I am willing to have it brought up. The gentleman from New York [Mr. COCKRAN] has been interested in this bill. Temporarily he is out of the city. Now, I would ask the gentleman if he can not let the matter which was before the House last night be disposed of, and let this go over with the understanding that he will immediately call it up, so that we may dispose of this report to-day? I prefer to have the gentleman from New York [Mr. COCKRAN] present. He has been here in attendance, but happens just now not to be in the House. In any event, we can dispose of it to-day.

Mr. JENKINS. Mr. Speaker, I yield to the gentleman from Texas [Mr. BURLESON] to reply to the question of the gentleman from Massachusetts [Mr. McCALL].

Mr. BURLESON. I will state to the gentleman from Massachusetts that I have no objection whatever to the gentleman from New York [Mr. COCKRAN] being present when this matter is disposed of, but as the gentleman from Massachusetts knows and understands, we have postponed this matter time and time again, and I am anxious to have it disposed of. If we can have an understanding that immediately after this other matter is disposed of—

Mr. McCALL. I agree with everything the gentleman has said, and I agree to that.

Mr. BURLESON. But, as I understand it, the gentleman from Massachusetts and I can not make that agreement. There must be a third party to it.

Mr. McCALL. Well, let it be understood that the chairman of the committee is to call it up immediately after the matter before the House last evening is disposed of.

Mr. BURLESON. If that meets the approbation of the Speaker and the gentleman from Wisconsin, I have no objection whatever; but I do want the matter disposed of.

Mr. PAYNE. This is a privileged matter that can be called up at any time.

The SPEAKER. A conference report is a matter of the highest privilege.

Mr. CRUMPACKER. Mr. Speaker, this bill is a very important measure, and I think there ought to be some little time devoted to its consideration. This is a criminal law, and it seems to me open to some very serious criticisms. The code reported by the Committee on the Revision of the Laws contains a section covering this particular question, and if that be acted upon at this session, why, I do not know that anything can be gained by considering both propositions. But I certainly will oppose agreeing to the conference report. I think there ought to be a little time for its consideration, because it violates, it seems to me, all the principles of criminal legislation.

Mr. JENKINS. I withdraw the request for present consideration of the conference report.

The SPEAKER. The gentleman withdraws the conference report.

ESTATE OF SAMUEL LEE, DECEASED.

Mr. MILLER. Mr. Speaker, I move to reconsider the last vote taken last night, and also move to lay that motion on the table.

The SPEAKER. Let the Chair understand. The last vote taken covers the title. The vote taken prior to that covers the passage of the bill. Which vote does the gentleman desire to reconsider—the one passing the bill?

Mr. MILLER. The one passing the bill.

The SPEAKER. The gentleman moves to reconsider—

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. Would it be in order, the title of the bill having been perfected, to move to strike out the title?

The SPEAKER. The Chair thinks not. The gentleman from Kansas moves to reconsider the vote by which the bill was passed, and also moves to lay that motion on the table.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

The House divided; and there were—ayes 99, noes 65.

Mr. WILLIAMS. No quorum present, Mr. Speaker.

The SPEAKER. The doors will be closed; the Sergeant-at-Arms will bring in the absentees; as many as are in favor of the motion to lay on the table will, as their names are called, vote "yea;" those opposed will vote "nay;" those present and not voting will answer "present;" and the Clerk will call the roll.

The question was taken; and there were—yeas 131, nays 59, answered "present" 32, not voting 159, as follows:

YEAS—131.

Adams, Wis.	Cushman	Howell, N. J.	Olmsted
Alexander	Dale	Howell, Utah	Overstreet
Allen, Me.	Darragh	Hubbard	Payne
Ames	Davis, Minn.	Jones, Wash.	Perkins
Babcock	Dawson	Kahn	Pollard
Bannon	Denby	Keifer	Prince
Barchfield	Dunwell	Kennedy, Nebr.	Rhodes
Bates	Dwight	Kennedy, Ohio	Rodenberg
Bede	Edwards	Kinkaid	Samuel
Bennett, N. Y.	Esch	Knowland	Slemp
Bennett, Ky.	Fassett	Lacey	Smith, Cal.
Birdsall	Foster, Ind.	Lawrence	Smith, Ill.
Bishop	Foster, Vt.	Le Fevre	Smith, Samuel W.
Bonyne	French	Lilly, Pa.	Smyser
Boutell	Gaines, W. Va.	Loud	Snapp
Brooks, Colo.	Gardner, Mass.	Lovering	Southard
Brown	Gardner, Mich.	McCall	Southwick
Brownlow	Gilbert, Ind.	McCleary, Minn.	Sperry
Buckman	Gillett, Cal.	McGavin	Steenerson
Burke, Pa.	Graft	McKinlay, Cal.	Stevens, Minn.
Burton, Ohio	Graham	McKinley, Ill.	Sulloway
Campbell, Kans.	Grosvenor	McKinney	Tawney
Campbell, Ohio	Hamilton	McLachlan	Taylor, Ohio
Capron	Haugen	Mann	Thomas, Ohio
Cassel	Hayes	Marshall	Tirrell
Chaney	Hedge	Miller	Townsend
Chapman	Henry, Conn.	Minor	Volstead
Cooper, Pa.	Hepburn	Mouser	Wanger
Cooper, Wis.	Higgins	Murdoch	Wharton
Cousins	Hill, Conn.	Murphy	Wilson
Cramer	Hinshaw	Needham	Wood, N. J.
Crumpacker	Hoar	Norris	Young
Curtis	Holliday	Olcott	

NAYS—59.

Adamson	Ellerbe	Johnson	Russell
Alken	Flood	Jones, Va.	Ryan
Bankhead	Floyd	Kelher	Shackelford
Beall, Tex.	Garner	Lee	Sims
Bowers	Garrett	Lester	Slayden
Bowie	Gilbert, Ky.	Lewis	Smith, Tex.
Brantley	Gillespie	Livingston	Spight
Brooks, Tex.	Gregg	Lloyd	Sullivan, Mass.
Burgess	Griggs	Macon	Talbott
Burleson	Hay	Patterson, S. C.	Taylor, Ala.
Burnett	Healin	Randall, Tex.	Thomas, N. C.
Candler	Henry, Tex.	Richardson, Ala.	Wallace
Clark, Fla.	Hopkins	Robertson, La.	Williams
De Armond	Humphreys, Miss.	Robinson, Ark.	Zenor
Dixon, Ind.	Hunt	Rucker	

ANSWERED "PRESENT"—32.

Bartlett	Finley	Kline	Powers
Bell, Ga.	Foss	Lamb	Scott
Brick	Fulkerson	Lever	Sheppard
Clark, Mo.	Fuller	Madden	Sherman
Clayton	Goulden	Maynard	Smith, Iowa
Davey, La.	Granger	Moore, Tenn.	Stafford
Dickson, Ill.	Howard	Otjen	Stephens, Tex.
Dixon, Mont.	Jenkins	Patterson, N. C.	Watkins

NOT VOTING—159.

Acheson	Bingham	Burke, S. Dak.	Calder
Adams, Pa.	Blackburn	Burleigh	Calderhead
Allen, N. J.	Bowersock	Burton, Del.	Cockran
Andrus	Bradley	Butler, Pa.	Cocks
Bartholdt	Broussard	Butler, Tenn.	Cole
Beidler	Brundidge	Byrd	Conner

Currier	Hitt	Mahon	Sibley
Dalzell	Hogg	Martin	Small
Davidson	Houston	Meyer	Smith, Ky.
Davis, W. Va.	Huff	Michalek	Smith, Md.
Dawes	Hughes	Mondell	Smith, Wm. Alden
Deemer	Hull	Moon, Pa.	Smith, Pa.
Dovener	Humphrey, Wash.	Moore	Southall
Draper	James	Morrell	Sparkman
Dresser	Ketcham	Mudd	Stanley
Driscoll	Kitchin, Claude	Nevin	Sterling
Ellis	Kitchin, Wm. W.	Padgett	Sullivan, N. Y.
Field	Klepper	Page	Sulzer
Fitzgerald	Knapp	Palmer	Towne
Flack	Knopf	Parker	Trimble
Fletcher	Lafean	Parsons	Tyndall
Fordney	Lamar	Patterson, Tenn.	Underwood
Fowler	Landis, Chas. B.	Pearre	Van Duzer
Gaines, Tenn.	Landis, Frederick	Pou	Van Winkle
Garber	Law	Pujo	Vreeland
Gardner, N. J.	Legare	Rainey	Wachter
Gill	Lilley, Conn.	Ransdell, La.	Wadsworth
Gillett, Mass.	Lindsay	Reeder	Waldo
Glass	Littauer	Reid	Watson
Goebel	Little	Reynolds	Webb
Goldfogle	Littlefield	Rhinock	Webber
Greene	Longworth	Richardson, Ky.	Weeks
Gronna	Lorimer	Rives	Weems
Gudger	Loudenslager	Rixey	Weisse
Hale	McCarthy	Roberts	Welborn
Hardwick	McCreary, Pa.	Ruppert	Wiley, Ala.
Haskins	McDermott	Schneebell	Wiley, N. J.
Hearst	McLain	Scoggy	Wood, Mo.
Hermann	McMorran	Shartel	Woodyard
Hill, Miss.	McNary	Sherley	

So the motion to reconsider was laid on the table.

The Clerk announced the following pairs:

For the session:

Mr. SHERMAN with Mr. RUPPERT.

Mr. MORRELL with Mr. SULLIVAN of New York.

Mr. BRADLEY with Mr. GOULDEN.

Mr. CURRIER with Mr. FINLEY.

Until May 24:

Mr. FULLER with Mr. RICHARDSON of Kentucky.

Until May 23:

Mr. DICKSON of Illinois with Mr. WILLIAM W. KITCHIN.

Until May 21:

Mr. DALZELL with Mr. CLARK of Missouri.

Until May 20:

Mr. SCOTT with Mr. HOWARD.

Until further notice:

Mr. LITTLEFIELD with Mr. CLAYTON.

Mr. HASKINS with Mr. LEVER.

Mr. FULKERSON with Mr. CLAUDE KITCHIN.

Mr. WOODYARD with Mr. MAYNARD.

Mr. WELBORN with Mr. GUDGER.

Mr. WATSON with Mr. LITTLE.

Mr. WM. ALDEN SMITH with Mr. SHEPPARD.

Mr. SCHNEEBELI with Mr. PATTERSON of Tennessee.

Mr. POWERS with Mr. GAINES of Tennessee.

Mr. REYNOLDS with Mr. McDERMOTT.

Mr. OTJEN with Mr. PADGETT.

Mr. LILLEY of Connecticut with Mr. REID.

Mr. JENKINS with Mr. SMITH of Kentucky.

Mr. HUFF with Mr. WOOD of Missouri.

Mr. KNOPP with Mr. WEISSE.

Mr. HITT with Mr. LEGARE.

Mr. FOSTER of Vermont with Mr. POU.

Mr. DRISCOLL with Mr. RANDELL of Louisiana.

Mr. BUTLER of Pennsylvania with Mr. BARTLETT.

Mr. DOVENER with Mr. SPARKMAN.

Mr. BURKE of South Dakota with Mr. DAVEY of Louisiana.

Mr. DEEMER with Mr. KLINE.

Mr. GREENE with Mr. PATTERSON of North Carolina.

Mr. FOSS with Mr. MEYER.

Mr. DRAPER with Mr. FIELD.

Mr. COLE with Mr. GARBER.

For this day:

Mr. SMITH of Pennsylvania with Mr. TRIMBLE.

Mr. BURTON of Delaware with Mr. BELL of Georgia.

Mr. BINGHAM with Mr. HEARST.

Mr. WADSWORTH with Mr. VAN DUZER.

Mr. DIXON of Montana with Mr. PAGE.

Mr. SMITH of Iowa with Mr. HARDWICK.

Mr. WILEY of New Jersey with Mr. BUTLER of Tennessee.

Mr. RIVES with Mr. MOORE.

Mr. BLACKBURN with Mr. SMALL.

Mr. SIBLEY with Mr. WATKINS.

Mr. KNAPP with Mr. LAMAR.

Mr. KETCHAM with Mr. RAINEY.

Mr. ACHESON with Mr. BROUSSARD.

Mr. WALDO with Mr. WILEY of Alabama.

Mr. WACHTER with Mr. WEBB.

Mr. PEARRE with Mr. SULZER.

Mr. PARKER with Mr. SOUTHALL.

Mr. NEVIN with Mr. SMITH of Maryland.

Mr. MAHON with Mr. RIXEY.

Mr. MCCREARY of Pennsylvania with Mr. RHINOCK.

Mr. LOUDENSLAGER with Mr. PUJO.

Mr. LAW with Mr. McNARY.

Mr. HULL with Mr. McLAIN.

Mr. HALE with Mr. LINDSAY.

Mr. GRONNA with Mr. JAMES.

Mr. GARDNER of New Jersey with Mr. HILL of Mississippi.

Mr. DAWES with Mr. GOLDFOGLE.

Mr. DAVIDSON with Mr. HOUSTON.

Mr. CONNER with Mr. GLASS.

Mr. BURLEIGH with Mr. GILL.

Mr. BARTHOLDT with Mr. FITZGERALD.

Mr. ALLEN of New Jersey with Mr. BYRD.

Mr. ADAMS of Pennsylvania with Mr. BRUNDIDGE.

On this vote:

Mr. BEIDLER with Mr. DAVIS of West Virginia.

Mr. LAFEAN with Mr. MOON of Tennessee.

Mr. ROBERTS with Mr. STEPHENS of Texas.

Mr. PARSONS with Mr. STANLEY.

Mr. MUDD with Mr. SHERLEY.

Mr. GILLET of Massachusetts with Mr. TOWNE.

Mr. LITTAUER with Mr. UNDERWOOD.

Mr. ANDRUS with Mr. COCKRAN.

Mr. DIXON of Montana. Mr. Speaker, I desire to change my vote from "aye" to "present." I am paired with the gentleman from North Carolina [Mr. PAGE].

Mr. MAYNARD. Mr. Speaker, I voted "no," and I desire to change my vote to "present," being paired.

The result of the vote was announced as above recorded.

The SPEAKER. The Doorkeeper will cause the doors to be opened.

Mr. WILLIAMS. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAMS. I move to reconsider the vote whereby the title of the bill was amended.

The SPEAKER. The gentleman from Mississippi moves to reconsider the vote by which the amendment to the title was adopted.

Mr. MILLER. Mr. Speaker, I raise the point of order—

Mr. PAYNE. That the motion comes too late.

Mr. MILLER. That the motion comes too late, the motion to reconsider the vote by which the bill passed having been laid on the table.

Mr. WILLIAMS. I want to be heard on that just for two minutes. The vote on the passage of the bill was taken before the vote on the amendment to the title.

Mr. MILLER. I make the further point also that it is dilatory.

Mr. WILLIAMS. The vote on the passage of the bill having been taken before the vote on the amendment to the title, naturally the motion to reconsider the vote amending the title also follows the motion to reconsider the vote upon the passage. Now, as to being dilatory, Mr. Speaker, I would challenge any human intelligence to find the means whereby it could be decided that it was not dilatory to move to reconsider upon the passage and is dilatory immediately afterward to move to reconsider the vote whereby the title was amended.

Mr. PAYNE. I want to inquire, Mr. Speaker, which way the gentleman voted on the question when it was taken?

Mr. WILLIAMS. "The gentleman from Mississippi" voted to amend the title. The gentleman purposely voted that way so that he might make this motion.

The SPEAKER. The gentleman voted in the affirmative.

The Chair is prepared to rule. The House will notice from the Journal, as well as the recollection of Members, the votes that were taken on this bill upon yesterday. There were one or more amendments to the bill reported from the Committee of the Whole House. Those amendments were agreed to by the House. The bill was engrossed and read a third time and passed, and then there was a vote upon amending the title. Then the House adjourned. This morning a motion was made to reconsider the vote by which the bill was passed, and we have just voted upon a motion to lay that motion upon the table, and the House has agreed to the motion by a majority. The Chair will state to the gentleman from Mississippi that it does seem to the Chair that, all things considered, the Chair, in ruling upon the point of order that the motion is dilatory, must sustain the point.

Mr. WILLIAMS. Would the Chair be willing to attempt to draw any distinction in the matter of dilatoriness between this motion and the one which just preceded it?

The SPEAKER. Yes. The Chair would be willing to do

that without in the least impugning the motives of any Member. The Chair does not consider that that would be his province, and if it were he would have no judgment that would prompt him to do it. But the Chair, upon the whole, would be willing to put the question, as he did yesterday, to the gentleman from Mississippi himself if he does not think it is dilatory.

Mr. WILLIAMS. Mr. Speaker, the gentleman from Mississippi was interrogating the Chair and would like to have an answer to the question he put to the Chair, and after that the gentleman from Mississippi would stand interrogation himself, but not now. Now, what I am asking is this: Whether the Chair would be willing to undertake to show wherein this motion is any more dilatory than the one which just preceded it, and after the Chair has answered that the gentleman from Mississippi will stand all sorts of interrogation.

The SPEAKER. The Chair will state further in reply to the gentleman that the vote by which the bill was passed was the material vote, the substantial vote, and a motion to reconsider that vote was made and that motion was laid on the table. The question of amending the title may be likened to the "leather and prunella" that surround many questions, and the Chair must adhere to its decision and sustain the point of order.

Mr. WILLIAMS. Do I understand that the decision of the Chair is based upon the "leather-and-prunella" theory?

The SPEAKER. Yes and no. "For the letter killeth, but the spirit giveth life." The House has had an opportunity to consider this bill on its merits and substantially on the motion to reconsider the vote by which it passed. [Applause on the Republican side.]

AMENDING SECTION 5501, REVISED STATUTES.

Mr. JENKINS. Mr. Speaker, I call up conference report on the bill (H. R. 10129) to amend section 5501 of the Revised Statutes of the United States.

The Clerk read the conference report and statement, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10129) to amend section 5501 of the Revised Statutes of the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 6, 9, and 10.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 7, 8, 11, and 12, and agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: On page 2, line 14, after the word "thereof," insert: "and every Member of Congress;" and the Senate agree to the same.

JOHN J. JENKINS,
C. E. LITTLEFIELD,
H. D. CLAYTON,

Managers on the part of the House.

C. D. CLARK,
KNUTE NELSON,
C. A. CULBERSON,

Managers on the part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

The Senate amended the bill as follows:

(1) Page 1, line 6, by striking out the words "or employee."

(2) Page 1, line 10, by striking out the word "such."

(3) Page 2, line 9, after the word "not," by inserting the words "less than one year nor."

(4) Page 2, line 10, by striking out the word "shall" and inserting the words "may, in addition."

(5) Page 2, line 10, by striking out the words "to exceed" and inserting the words "less than five hundred dollars, nor more than."

(6) Page 2, line 11, by striking out the words "or employee."

(7) Page 2, line 13, after the word "of," by inserting the words "the authority of."

(8) Page 2, line 14, after the word "government," by inserting the word "thereof."

(9) Page 2, lines 14 and 15, by striking out the words "by virtue of the" and inserting the words "while holding said."

(10) Page 2, line 20, after the word "company," by inserting the words "and which information is required by law or under the rules of any department of the Government to be withheld from publication until a fixed time."

(11) Page 2, line 24, after the word "not," by inserting the words "less than five hundred dollars nor."

(12) Page 3, line 1, after the word "not," by inserting the words "less than one year nor."

The following Senate amendments were agreed to: Nos. 2, 3, 4, 5, 7, 11, and 12.

The Senate receded from its amendments Nos. 1, 6, 9, and 10.

The House receded from its disagreement to the amendment of the Senate No. 8, and by authority conferred by Senate concurrent resolution No. 23 agreed to the amendment of the Senate No. 8 with an amendment, as follows:

On page 2, line 14, after the word "thereof," by inserting "and every Member of Congress;" and the Senate agreed to the same.

JOHN J. JENKINS,
C. E. LITTLEFIELD,
H. D. CLAYTON,

Managers on the part of the House.

Mr. JENKINS. Mr. Speaker, there is some opposition to the adoption of this report this morning, and I will make a very brief statement for the information of the House.

Mr. GROSVENOR. Mr. Speaker, I want to ask the gentleman if this bill can be read to the House as it will be after the conference report is agreed to.

Mr. JENKINS. I will ask that the bill be read in my time, Mr. Speaker.

Mr. McCALL. Perhaps the gentleman from Wisconsin did not understand the question of the gentleman from Ohio. The question of the gentleman from Ohio was that the bill be read as it will read after the conference report is adopted. Is there any print of the bill that would give it precisely as it would be after the adoption of the report, so that the bill as amended can be read to the House?

Mr. JENKINS. I am ready to have the bill read in my time.

Mr. McCALL. I understand there is no copy of the bill which incorporates these amendments. I am trying to find out how it will read by putting in the amendments at the points suggested by the report, but I have been unable to do it. I do not believe it can be told just how the bill will read.

Mr. JENKINS. I will say that we did not have any difficulty in harmonizing it.

The SPEAKER. The Chair will say in answer to the question put by the gentleman from Massachusetts that in a short time, if it is desired, the Clerk will be able to give the bill as it will read upon the adoption of the conference report. It will take a little time, however, to do it.

Mr. GROSVENOR. Would not the chairman of the committee be willing that the bill should be printed in the RECORD and let this question lie over for a day or two? This is a very important piece of legislation.

Mr. JENKINS. I have no objection to that.

Mr. BURLESON. Mr. Speaker, that would require unanimous consent, and I object to it; not because I have any desire or am disposed to keep any Member of the House from knowing what is in the bill.

Mr. GROSVENOR. The conference report can be withdrawn by the chairman of the committee. You are creating a lot of penitentiary offenses and Congressmen are asked to vote for them without knowing what they are.

Mr. BURLESON. I am trying to do it.

Mr. GROSVENOR. There are not one-tenth of the Members of this House that know what is in this bill.

Mr. JENKINS. Mr. Speaker, I will say that this bill was introduced by the gentleman from Texas [Mr. BURLESON]. It was carefully considered by the Committee on the Judiciary and amended and reported to the House, and this House concurred in the amendments and the bill was passed by the House. After the bill reached the Senate it was several times amended and the House disagreed to the amendments of the Senate, and asked for a conference. That request was agreed to, and the conference committee met when they were presented with this simple question, that the bill provided that every officer and employee of the United States while holding office or position was forbidden to give out information as to the products grown in the United States that would affect the market value of United States bonds or bonds and stocks of any incorporated company. That included the President of the United States and included every officer and every employee of the Government down to the charman and the charwoman in every department of this Government, and the smallest page boy on the floor of this House. In the conference committee it was suggested that it certainly would only be fair to include Members of Congress. It was a debatable proposition whether it should or should not and whether or not the conferees had the power to make the necessary change. The House conferees took the position that they could not without instructions from the House incorporate the amendment "and every Member of Congress," and after some

consideration a concurrent resolution was presented in the Senate authorizing the committee on conference to include as an amendment "and every Member of Congress." That resolution passed the Senate unanimously and was brought into this House and was adopted, so the committee on conference was instructed to include the words "and every Member of Congress." There was no opposition to the adoption of the resolution in the House.

The gentleman from Iowa [Mr. HEPBURN] asked for a statement with reference to it, and having the floor I yielded to the gentleman from Texas [Mr. BURLESON]; who was interested in the measure, to make the necessary statement for the information of the gentleman from Iowa [Mr. HEPBURN], and the gentleman from Iowa said, as the RECORD discloses, that the statement made by the gentleman from Texas [Mr. BURLESON] was satisfactory to him, and therefore the House in that way became possessed of all the knowledge and information that the committee of conference had. The committee of conference did include in their report the words "and every Member of Congress," and when that committee sought to have the report considered in the House some gentleman raised the question here as to whether it was fair and just and proper to include Members of Congress, and in deference to that question the committee has held back until this morning the consideration of the conference report. I say it was a very serious proposition as presented to the conference committee whether or not it should include every officer and every employee of the Government, from the highest to the lowest, and exclude Members of Congress.

Mr. CRUMPACKER. Mr. Speaker, will the gentleman yield for a question?

Mr. JENKINS. Yes.

Mr. CRUMPACKER. Mr. Speaker, I have read the bill through with some degree of care, and I would have no objection personally, of course, to the inclusion of Members of Congress if it reached the proper question. The bill as it was agreed upon by the conference committee does not make it a crime for Members of Congress to speculate upon products or stocks and bonds which may be influenced by legislation, does it?

Mr. JENKINS. Why, the gentleman can draw his own conclusions. I am simply stating the facts.

Mr. CRUMPACKER. But the gentleman has charge of the matter. I have never seen the bill as it was agreed upon. Does it reach the Members of Congress who may speculate on the boards of trade and cotton and stock exchanges of the country, on commodities the price of which may be influenced by legislation?

Mr. JENKINS. I should say, unhesitatingly, no. Some gentlemen have feared that some Members of Congress might be caught in the net and punished for giving out information. I am satisfied, as far as I am concerned, that there is nothing here that any Member of Congress need fear. The Senate of the United States has unanimously agreed to this proposition, and the question now, Mr. Speaker, is presented to this House to know whether or not it proposes to exclude Members of Congress and include every other officer and employee of the Government.

I yield to the gentleman from Massachusetts [Mr. McCALL] fifteen minutes.

Mr. McCALL. Mr. Speaker, I would suggest to the gentleman that fifteen minutes is not sufficient time to discuss a bill that affects the whole fabric and efficiency of the Government of the United States.

Mr. JENKINS. Then, Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts may be recognized for thirty minutes, without taking that time out of my time.

Mr. CRUMPACKER. Oh, let us have an hour on a side.

Mr. McCALL. Mr. Speaker, I would like to be recognized in my own right. The gentleman can reserve his time.

Mr. JENKINS. I yield to the gentleman for fifteen minutes, if he wants that time now.

Mr. BURLESON. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. McCALL] may be given an hour. He asked for that time.

The SPEAKER. The previous question is not moved, and if the gentleman from Wisconsin yields the floor the gentleman would then receive recognition if he desired it.

Mr. JENKINS. Mr. Speaker, I yield fifteen minutes to the gentleman.

The SPEAKER. Does the gentleman yield the floor?

Mr. JENKINS. No; I simply yield to the gentleman for fifteen minutes. Does the gentleman from Massachusetts want the time now?

Mr. OVERSTREET. Mr. Speaker, will the gentleman from Wisconsin yield for a question? At what point in this bill, the

printed bill which Members have, does this amendment fall? There is nothing in the printed bill which shows it.

Mr. JENKINS. There is nothing in the printed bill. It is in the statement.

Mr. OVERSTREET. I am asking the gentleman on what page and line.

Mr. JENKINS. Page 2, line 14.

Mr. OVERSTREET. Will the gentleman read in the bill the language of the amendment?

Mr. JENKINS. The amendment occurs on page 2, line 14.

Mr. OVERSTREET. At what place in line 14 and after what word?

Mr. JENKINS. After the word "thereof."

Mr. OVERSTREET. After what?

Mr. JENKINS. After the word "thereof."

Mr. OVERSTREET. Why, there is no such word in that line.

Mr. JENKINS. Well, that is a Senate amendment.

Mr. GROSVENOR. Well, it can be voted down, and that is the best way to dispose of it if they will not let us know what is in it.

Mr. BURLESON. With the permission of the gentleman from Wisconsin, I can tell the gentleman what is in it.

Mr. GROSVENOR. I want to read it; I do not want to vote for a penitentiary offense without reading it.

Mr. BURLESON. I do not think there is anything menacing anybody—

Mr. OVERSTREET. The House is entitled to know what is in it, and that is what I am trying to ascertain.

Mr. JENKINS. I claim my right to the floor. Now, I ask the gentleman from Massachusetts if he wants fifteen minutes?

Mr. McCALL. Mr. Speaker, it is hardly in accordance with the gentleman's usual fairness to ask that a proposition of this kind be discussed in his one hour of time, and I would suggest to the gentleman that he remain in charge of the measure and that he permit me to be recognized in my own right, and reserve his time. I do not propose to talk an hour on the matter—perhaps not over fifteen minutes—but there are gentlemen who desire to give their views to the House with regard to this bill. Now, if the gentleman will permit me to ask unanimous consent—

Mr. BURLESON. Mr. Speaker, I ask unanimous consent that the gentleman be given an hour in his own right. I submitted the request a moment ago.

The SPEAKER. The gentleman from Texas asks unanimous consent that the gentleman from Massachusetts at this time be entitled to an hour. Is there objection? [After a pause.] The Chair hears none.

Mr. McCALL. Mr. Speaker, this is an exceedingly important bill. I think it affects the efficiency of all the departments of the Government more than any bill which has been presented during my term of service. I only discovered it by mere accident, happening to be in the House when the conference report was brought in, and I venture to say that there are not five members of either House who understand just what it means. I do not believe that even the Judiciary Committee have considered its different aspects. It was introduced, I will say, by the gentleman from Texas [Mr. BURLESON]. It was favorably reported by the Committee on the Judiciary. It appears that the cause that led the gentleman to introduce the bill was the divulging of certain so-called "cotton statistics" collected by the Department of Agriculture. The genesis of the bill illustrates strikingly how penal laws are often made. Here was a distinct evil, something to which legislation should be directed, and the bill that is presented here attempts to accomplish the ideal perfection of the universe and to deal with all the departments of the Government.

I submit that the bill goes vastly beyond what the evil which it is claimed justified the bill would warrant or sanction. The bill exhibits, if gentlemen will read it, a good deal of refinement. It is attempting to do a difficult thing. It is a difficult thing, and it should be a difficult thing, in a Government like ours to keep the lid on any secret information or secret statistics; and I venture to say that the original bill in the form in which it passed both Houses ought never to become a law, and I do not believe it will ever become a law if the Members of this House shall study it. It applies to every officer of the Government from the President down. It applies to the giving of any information, the broadest kind of a term possible, of governmental information which would tend to affect values of certain specified forms of property which comprehend nearly all of the property of the United States except land.

Now, when we remember that the executive officers are constantly applied to by the members of the press representing the public who desire to get information upon all sorts of matters,

when we remember that nearly all governmental information will affect values, information at the Treasury Department, at the Census Department, at the Department of Justice with reference to proposed prosecutions, information as to what a Presidential message is to contain, and a multitude of other things, and when you provide that any officer of the Government who gives information of that sort which may tend to affect all these values gives it at the peril of his liberty, I think you will see that you are attempting to accomplish a very far-reaching thing, and that the only safety for any executive officer would be to become a mere clam and not tell anything whatever concerning his Department. And we may have a President, too, some day who will delight to say things as well as to "do things," and if he is indiscreet and gives information about what his message is going to contain in advance of its being transmitted to Congress he will come near committing a crime under this bill.

And not merely that, but the penalty is absolutely heathenish. This idea had not been put forth since the foundation of the Government—the enactment of a bill like this—and yet the committee that reports this bill thinks this idea has such great consequence and importance and is so greatly enamored with it that the least invasion of it is to be punished by a year in the penitentiary. That is the minimum penalty. An officer might be indiscreet, he might not understand what the rules of the Department were, he might make a mere technical infraction of this statute, and yet the minimum penalty would be a year in the penitentiary. I doubt if any Member of this House will vote for such an absurd and heathenish minimum penalty as that.

Then again, it is made a crime for any officer to give information in advance of the time when it should be given by law or contrary to the "rules of the Department." In other words, one thing may be criminal under the rule established by the chief of a bureau to-day and another thing be criminal to-morrow. You practically delegate to the bureau chief the authority to pass a penal statute. I think that the original bill as it is presented here for consideration is a bad bill, and for the purpose of arresting its progress I believe, if for no other reason, this report should be returned to the conference committee in order that they may, if possible, perfect the bill, and if they can not perfect it, then that they may provide for killing it.

Now, what I have said has application to the original bill. What I shall say now applies to the amendment, so far as Members of Congress are concerned. And the gentleman from Wisconsin [Mr. JENKINS] has given the only reason under the sun why this bill should apply to Members of Congress. The reason amounts simply to this, that it is to complete and make perfect the exquisite absurdity of an absurd bill. There is no original reason given why there should be legislation comprehending Members of Congress; but you take now the standard created by this bill which you have not passed and say, "Oh, well, if we are to have a measure applying to the President, and to the scrub women, and to the clerks, of course Members of Congress should be included." So that, as I have said, it is only to perfect and make complete the absurdity of the bill that you propose to include Members of Congress. I should like to have some original reason given here why Members of Congress should pass this slur upon themselves. If we legislate that our virtue needs to be protected thus by law, we certainly do cast a slur upon ourselves, and if we do not need the protection, then we are passing a bill which practically amounts to an advertisement to this effect, namely, that we are so good that we are willing to pass even so absurd a bill as this against ourselves and against our successors.

Mr. MCGAVIN. I will ask the gentleman from Massachusetts if he does not think even under the language of the original bill here the term "officers of the Government" would necessarily include Members of Congress?

Mr. MC CALL. I think it does not. I think it has been held that a Member of Congress is not an officer of the Government.

Mr. OVERSTREET. Will the gentleman yield for a question?

Mr. MC CALL. Yes.

Mr. OVERSTREET. What effect would the gentleman construe the word "willful" to have where it is used in the bill? Would that in any measure modify the gentleman's construction of the bill generally? I can not see where "willfully" would either add or detract.

Mr. MC CALL. I do not think it would have any particular effect. It would have, perhaps, as against something that was purely accidental.

Mr. OLMSTED. May I ask the gentleman a question?

Mr. MC CALL. Certainly.

Mr. OLMSTED. I see that as the bill now stands we would not be permitted to impart any information which would tend

to exert an influence upon the market of any product grown in the United States. If we should see a conflagration about breaking out in a large warehouse filled with cotton or oil or wheat, the destruction of which might "tend to exert an influence on the market," would it be, under this bill, safe for a Government clerk or a Member of Congress to cry "fire?" [Laughter.]

Mr. MC CALL. I will say to the gentleman that the first section does not apply to Members of Congress. It is only proposed to have it apply to executive officers.

Mr. BURLESON. If the gentleman from Pennsylvania acquired that information about the conflagration by virtue of his official position, then it might be a violation of the law, but if he did not acquire it by virtue of the official position he held, it could not possibly be so construed.

Mr. MANN. May I ask the gentleman from Texas [Mr. BURLESON] a question in the time of the gentleman from Massachusetts [Mr. MC CALL]?

Mr. MC CALL. Certainly.

Mr. BURLESON. It is in the thirteenth line, second section. It says:

Every officer or employee of the United States and every person acting for or on behalf of the United States in any official capacity under or by virtue of the authority of any Department or office of the Government thereof who shall by virtue of the office or the position held by him, etc.

Mr. KEIFER. Is that in the bill now?

Mr. BURLESON. Certainly it is in the bill now.

Mr. OLMSTED. It is not in the copy of the bill I have.

Mr. BURLESON. I do not know what the gentleman has, but I am talking about the bill as agreed upon by the conferees.

Mr. OLMSTED. I have not been able to find out what that is.

Mr. LILLEY of Pennsylvania. Would it not be well to accept the proposition of the gentleman from Ohio, to let this bill be printed somewhere, so that we can know what it is.

Mr. GROSVENOR. I guess we can defeat it now as well as we can after it is printed. If the gentleman wants us to vote on a bill we never saw, let him try that.

Mr. MC CALL. Mr. Speaker, I was trying to discover some original reason why a measure of this kind should be enacted in regard to Members of Congress—any reason other than that it would be in harmony with this absurd bill. Now, what secret and confidential information do Members of Congress have? We have investigations; but those investigations are always public.

The Senate, to be sure, has executive sessions; but when anything of importance happens at an executive session it is reported as accurately and as promptly as the report of what is done at the public sessions. We have absolutely no secret information. If the Executive Departments of the Government are made the custodians of secret statistics, possibly it might be well to pass some carefully framed and guarded statute that would prevent a member of the executive department dealing with these particular statistics from divulging them. But Members of Congress have no such information; all that we collect is public. And I venture to say, so far as speculation is concerned, if both Houses of Congress should be assembled in joint convention and we should pool all our so-called "secret information," arm some one with it, and send him forth to Wall street and back him with our means that we would all be bankrupt. [Laughter and applause.]

Now, Mr. Speaker, this proposition as it has been amended to include Members of Congress is bad for another reason. The two Houses of Congress are given power under the Constitution to try the President, to try judges, to try all the officers of the Government, and we are made the judges of the qualifications of our own Members. It is our prerogative and our duty to punish and even expel Members if their character and deportment shall not accord with, not the arbitrary requirements of a penal statute, but the broad requirements of conscience and rules of best conduct.

We have that jurisdiction; and I submit that this is an invasion of our prerogative for us to subject Members of Congress now and in the future for the manner in which they conduct themselves in their office to the jurisdiction of the other department.

Now, why does not the gentleman from Texas make his code complete while he is about it? If it is good to have a provision here that this shall be criminal for a Member of Congress, why does he not take him out of the hands of the House entirely and provide that if a Member shall fail to vote—and that is a most important thing—that he shall be taken into the police court and fined; if he shall absent himself from his duties here, that he shall be imprisoned; and if the Speaker of the House shall

play the part of a czar, he shall be subject to be flogged at the cart's tail in the public square? [Laughter.]

Why does not the gentleman perfect his bill upon these lines? The obvious answer is that the Houses are entirely competent to purge their own membership. It is their primary duty. Then, if members of our committees collect information and use it improperly, it is the duty of the House, a duty the House will exercise when the infraction is brought to its attention, to hold that Member to a high rule of legislative conduct, and in a proper case to inflict that gravest of all punishments, expulsion.

Now, the Constitution thought so much of the right of representation here that it exempted Members from arrest in going to or returning from the sessions of the House; and yet we have witnessed this winter the spectacle in this House, for something that was alleged to have been done in his office, over which the House had complete jurisdiction, of a Member being taken from this House, his constituents deprived of their representation very nearly all winter, and, finally, when the case was presented in the court, one of the ablest judges on the bench held that there was not even evidence to warrant the case being sent to the jury. [Loud applause.]

I do not care to aid in setting any statutory traps or in spreading a net for the feet of men who may come here after us, men who may never know of this penal statute which you propose to enact.

Mr. MANN. Will the gentleman allow me right there?

Mr. McCALL. In a moment. Now, I do not know whether the prosecution I have referred to was due to political animosity as charged or not; but I do know, when you take into consideration the character of the office we hold, that we are liable to excite antagonisms, and by passing this bill you are furnishing hate and partisanship with an ideal weapon for gratifying animosity.

Now I will yield to the gentleman.

Mr. MANN. Does anybody in the House know where this conference report was printed?

Mr. McCALL. Possibly the members of the Judiciary Committee do.

Mr. MANN. I have made inquiry of several Members, including the gentleman who introduced the bill.

Mr. GROSVENOR. It is in so many different pieces that you could not tell if you knew where it was, unless you could get it printed in the form of a consecutive bill.

Mr. MANN. Of course a conference report must be printed in some place as a whole.

Mr. GROSVENOR. I do not know anything about it. I have got enough of it so that I understand all I care to about it.

Mr. MANN. Under the rules of the House a conference report must be printed.

Mr. BURLISON. It certainly was printed. I am unable to state the page of the Record upon which it is to be found.

Mr. MANN. It seems remarkable that the House can not obtain information as to the matter upon which it is called upon to vote.

Mr. PAYNE. It would seem a little remarkable that the conferees could not tell where it was printed.

Mr. McCALL. I am not claiming that Members of Congress should have immunity. They are subject to precisely the same statutes that apply to all of the people of this country, but in addition to that they are subject to the jurisdiction of the Houses of which they are members for the manner in which they conduct themselves in their office, and if the representatives of the States and of the people can not be trusted, if the Houses can not keep their membership pure and can not exact proper conduct, then I submit we had better change the Constitution.

Now, Mr. Speaker, Members come here from all sorts of occupations. They come from among the people, from the professions, from trades, from the farm, from all sorts of business, and it is well that they should have a practical stake in the country. I do not believe that we should encourage the filling of seats in this body by men who have never made any industrial contribution to the welfare of the country, and who regard all questions that come up from the standpoint of the mere theorist and the talker. In one of the two years of a Congressional term we are at home nine months, and engaged in the business that we follow, and in the other year we are at home six months. Yet you subject a Member to this difficulty. The bill does not say that some particular, definite thing shall be a crime, but it says that if he shall have any information by virtue of his office—and what is that? Will somebody tell me exactly how a Member has information by virtue of his office?—that may tend to affect practically the value of any kind of property in the country, and he shall see fit to exercise a reasonable

degree of commercial freedom and buy and sell, he subjects himself to having somebody say he had some valuable public information, and must therefore be dragged into a criminal court. I say the crime you are creating is too indefinite, and that if you want to encourage filling this Chamber, not with active men with red blood in their veins, but with patriots of the gum-shoe breed, mere ciphers, whose footfalls you will never hear, who are always ready to stand behind somebody who may at the time be playing all the rôles of government, then you had better pass just such a bill as this. But this will not make Congress more attractive to honest men.

Mr. Speaker, we do not know how far it may be in the future, in view of the developments we have had, when we shall have the State trial and the spectacular and bizarre prosecution, when a man will be followed in the criminal courts, not because he is guilty, but because for political reasons or to enhance the popularity of somebody or for some so-called State purpose a human victim is demanded. I submit that this bill would at some future time subject men actively in politics to the State trial and to the sort of prosecution I have described.

Then, Mr. Speaker, the Executive sometimes exercises discretion in initiating prosecutions, and this bill would, in an emergency, greatly augment executive influence over Congress. The Executive is naturally impressed with the virtue of the men who are immediately about him, men in high executive office, who have his confidence. I may be permitted to refer to the case of Mr. Morton to support that statement. I am far from regarding Mr. Morton as an enormity of wickedness. I believe he is an able man and an honest man, but Mr. Morton should have been permitted to go to the courts. Two eminent doctors selected by the Administration prescribed the courts, and yet we saw him regenerated and made whole by the course of treatment which he took at the immunity baths. [Laughter.]

It is natural for the Executive to regard with favor the officers immediately about him, and he is sometimes apt to look with caution and suspicion upon those who are in the outlying provinces of the Government. For instance, there was the message which we had some time ago with reference to an officer who at the time was acting under all the sanctions which surround the judiciary, a great coordinate department of the Government.

The one deplorable thing in the other republics on this hemisphere is that their constitutions are thrown out of balance, that they have executive government, and that especially the judiciary often decides great questions affecting the lives, liberty, and property of citizens practically under his inspiration. The preservation of liberty, such as we have had in this country, requires that the three departments shall be kept rigidly separate. I believe, sir, in that settled and ordered government, which we have had heretofore, where the legislature legislates, the executive executes, and unawed judges constitute for the citizen the sure palladium of his rights. [Applause.]

I do not care to put any such weapon as this in the hands of the Executive. And because, sir, I believe that there is absolutely no ground in fact for this amendment, because I believe that the original bill in its present form is absolutely vicious and should be defeated, and because I believe that it will tend to a government for the Executive, of the Executive, and by the Executive, I will vote against adopting this conference report. [Applause.]

Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has thirty-five minutes.

Mr. McCALL. I will yield ten minutes to the gentleman from Indiana.

Mr. CLAYTON. Before the gentleman yields to the gentleman from Indiana, I would like to make a statement for the information of the House.

Mr. McCALL. I am always ready to yield to the gentleman. I have been insisting that the gentleman in charge of this report should give the time to have it properly debated. If the gentleman from Alabama will permit me, I will yield—

Mr. CLAYTON. I only want one minute to give the House the information which it asked for. On page 5540 of the Record of April 17 Members will find the conference report about which inquiries have been made, setting forth how it is proposed to amend the bill.

Mr. McCALL. I will say that I diligently attempted, with a copy of the bill which I had, to find where the changes came in, and I could not find the places. Now, I will yield ten minutes to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Speaker, I entirely agree with the distinguished gentleman from Massachusetts [Mr. McCALL] in the very able criticism he has made of this measure. This is an exceptionally important bill. It provides penalties for certain acts on the part of Federal officials which are not now

unlawful, the lowest of which is imprisonment in the penitentiary for one year. Now, I conceive it to be one of the very first requisites of wise criminal legislation that it shall define the offense clearly and plainly, so there can be no doubt or uncertainty about what is prohibited. I undertake to say that no man in this country can read the first section of this bill through and say what he can do and what he can not do in relation to the matters mentioned with any degree of safety. The first and fundamental principle of penal legislation is that the criminal act shall be so plainly stated that the ordinary citizen may be able to take the public statutes and read for himself the things that are forbidden under serious penalties like this bill imposes. There is no lawyer, no judge, in the country that can take this bill and say what particular act is made criminal and what not.

The first section provides that—

Every officer of the United States and every person acting for or on behalf of the United States in any official capacity under or by virtue of the authority of any Department or office of the Government, who shall, while holding said office or position, become possessed of any information which would tend to exert an influence upon or affect the market value of any product grown within the United States.

Now, how many of the Members of this House are able to say what information would tend to affect the market price of products or corporation stocks or bonds of the United States? Information that might seriously affect the market price of commodities this week might have no effect on markets at all three weeks hence. Everybody knows that these questions are so entirely speculative, so altogether uncertain, that, with due regard for the liberties of citizens, they should not be made the basis of penal legislation. The gentleman from Texas said that the information must come to the officer or employee "by virtue of his office" in order to make its communication unlawful. I have the bill as it was originally prepared and there is no such requirement in it; I have a copy of the bill as it was reported by the Committee on the Judiciary and there is no such requirement in it; I have a copy of the bill as it was passed by the House of Representatives and it contains no such provision. If there is any provision of that kind in the bill, I have been unable to find it.

Mr. BURLESON. I did not catch what provision the gentleman is talking about.

Mr. CRUMPACKER. That the communication of information in order to be criminal must come to the person by virtue of his office. There is no such provision as that in the bill and there never was.

Mr. HOAR. It is struck out on the seventeenth line of the second page.

Mr. CRUMPACKER. It was perhaps in the bill at one time, but it is out of the bill now.

Mr. BURLESON. Certainly not.

Mr. CRUMPACKER. It is out of the bill as it came from conference.

Mr. GROSVENOR. If the gentleman from Indiana will allow me, it is a thousand times worse now, because it now provides if the information comes to him at all under any circumstances while holding the office.

Mr. CRUMPACKER. That is the point I am making exactly.

Mr. MANN. Mr. Speaker, if the gentleman will yield to me for a moment, I can give him the exact language of the bill as provided in the conference report on that point.

Mr. CRUMPACKER. I will be very glad to hear it. I have never been able to know what it is.

Mr. MANN. It is in section 2:

Every officer or employee of the Government of the United States and every person acting for or on behalf of the United States in any official capacity, under or by virtue of the authority of any Department of the Government, and every Member of Congress who shall, by virtue of the office or position held by him—

Mr. KEIFER. That is only descriptive of the person.

Mr. CRUMPACKER. That may be a later print.

Mr. BURLESON. That is right.

Mr. MANN. Oh, I am not talking about the latest print. I am talking about the way the bill would read as a law if the conference report were adopted.

Mr. CRUMPACKER. The gentleman from Illinois [Mr. MANN] presents what he says to be the final revision of the bill. I am not able to determine whether it is or not. I have three or four different prints before me, no two of which are alike; but suppose that be true, it does not change the character of the bill. It requires the citizen who is liable to be punished for crime under its provisions to judge for himself whether an item of information may tend to affect the markets of the country respecting produce, stocks, bonds, or the bonds and securities of the United States, and if he honestly makes a mistake he must go to prison. Furthermore, it puts every man in the service of the Government under the control of Department

chiefs. These penalties and criminal acts depend upon departmental regulations. The information must be such as is condemned or authorized by a rule or regulation of a Department. I insist that the Congress of the United States can not abdicate its constitutional functions and turn over to any chief of a bureau or head of a Department the right to enact any kind of legislation, let alone criminal legislation which subjects the citizen to confinement in the penitentiaries of the land. It is a salutary requirement that Congress shall put into the laws of the country all of the criminal legislation that they are to contain. The bill provides further that the Department, by rule or regulation, shall say who may legally have the information and who may not have it.

The purpose of the bill, I understand, as explained by the gentleman from Massachusetts [Mr. McCall], is to prevent the divulgence of cotton estimates. It is the result of a practice the Government has gotten into that I am now about ready to condemn as a most abominable practice, that of becoming a sort of information bureau for grain and stock speculators and gamblers. If we, however, continue to gather estimates of crops, grain and cotton, I am willing to have a law enacted that will make it a crime for any public officer to divulge any information respecting those estimates or those statistics until they are ready to be given to the public. I believe if we continue in the business we ought to have that sort of statute, but we do not need a piece of legislation of this character, a piece of legislation that subjects men to punishment for acts that they can not possibly know in advance may be criminal. There is no necessity for passing this sort of a law to protect the cotton growers and speculators of the country against leakage in the cotton estimates. The second section provides penalties for speculation in stocks and produce upon certain kind of information, and it includes Members of Congress. Members of Congress have no right to speculate in the markets of the country—and the bill defines speculation to mean buying or selling—after they have received information that the rules of a department say shall not be made public. We are the lawmakers, and yet we turn over the power of making law to the Departments and authorize them to make laws to punish us, to impose penalties on Members of Congress. Think of the situation! This bill does not reach any practical abuse. I never heard of a Member of Congress getting any information wrongfully. He is a disseminator of information respecting government and administration.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McCall. I yield five minutes more to the gentleman.

Mr. CRUMPACKER. I never knew a Member of Congress to be criticised for communicating or speculating upon information, the kind of information described by this bill, but I have heard and read complaints in the public press that Congressmen have sometimes speculated, and it is charged and sometimes believed that Members of Congress do sometimes speculate in commodities the market price of which may be influenced by pending legislation. I do not believe there is any truth in such complaints, but there is nothing in this bill that prohibits doing that at all. The bill does not pretend to cover that subject. We here propose tariff revision bills, we may propose bills of one kind and another, we may propose railroad rate bills, bills for the investigations of trusts and combinations that may materially affect the market price of stocks and bonds of one kind and another; and we are entirely at liberty, so far as this bill is concerned, to go on the market and speculate in the commodities so affected without let or hindrance. This bill prohibits the communication of information in any of the Departments until the head of the Department, by such rules and regulations as he may adopt, shall authorize it to be made public. And he may provide to whom it may be communicated and whom not. If any member of either branch of Congress should speculate upon the subject to which the information relates, he commits a felony, and the bill says that by speculation it is meant to buy and sell—

Mr. OLMSTED. Buy or sell.

Mr. CRUMPACKER. Buy or sell. Now, my friend from Texas [Mr. BURLESON], the author of the bill, is a cotton farmer, and he may be able, and I have no doubt does, carry his cotton crop until the market suits him, and while he is here serving his country as a lawmaker he might get information which would lead him to think it is a good time to sell his cotton, yet if he acted upon that information, of course he would be subject to prosecution under this law, and if he were convicted he would have to go to the penitentiary.

Mr. BURLESON. Not at all.

Mr. CRUMPACKER. The bill says it is a felony to buy or sell any commodity upon certain kind of information, and I insist it would apply to the gentleman in the sale of his cotton.

Mr. HINSHAW. Will the gentleman from Indiana permit a question?

Mr. CRUMPACKER. I will.

Mr. HINSHAW. Members of Congress are constantly receiving letters from their constituents asking them for certain statistics from the Census Office, from the Agricultural Department, and various other Departments of the Government. Now, then, they either go in person or by letter to try and elicit the information from the various Departments. Suppose now, the clerk or head of the Department should report certain information which might be within the inhibition of this rule, and this Congressman should give it forth to his constituents, would he be liable under this bill?

Mr. CRUMPACKER. He would be liable, and the only safe thing for a Congressman would be to inquire every morning of the heads of divisions and of bureaus what he can safely and properly say and do during the day and keep out of jail. [Laughter.] He would need to inquire what new rules the Department had made for the regulation of Members of Congress for that day, and then he could proceed with some sense of security. That would be the only safe thing for a Member to do.

Mr. FREDERICK LANDIS. We constantly get inquiries about the prospect of the passage of bills—for instance, the parcels-post bill. Would information in regard to such measures be a violation of the provisions of this bill?

Mr. CRUMPACKER. I think it would, because it is official information and might affect the value of stocks, railroad and express company stocks.

Mr. OLMSTED. What about the alcohol bill?

Mr. CRUMPACKER. If this bill should pass, there would be dynamite in every bill.

Mr. CAMPBELL of Kansas. And the pure-food bill?

Mr. CRUMPACKER. This bill would put dynamite in everything. I think the proper course for the House to take is to defeat the conference report, and then refuse to go into conference upon the bill again, and thereby effectually put this measure to sleep. [Applause.]

Mr. McCALL. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has twenty minutes remaining.

Mr. McCALL. Will the gentleman from Wisconsin consume some of his time?

Mr. JENKINS. I yield to the gentleman from Texas.

Mr. LILLEY of Pennsylvania. Mr. Speaker, I am wholly unable to obtain any copy of anything whatever that relates to the bill. Is there in the possession of the House information for Members as to what this conference report is, and would it be in order for the Clerk to report the conference report?

The SPEAKER pro tempore. The Clerk has a copy of the bill worked out as it will be if the conference report is adopted, and that bill when it comes to be read will be the one presented to the House. The gentleman from Wisconsin yields to the gentleman from Texas.

Mr. GAINES of West Virginia. Mr. Speaker, I ask unanimous consent—

The SPEAKER pro tempore. The gentleman from Texas [Mr. BURLESON] has the floor.

Mr. LILLEY of Pennsylvania. Could we have that conference report reported to the House now?

The SPEAKER pro tempore. If the House desires and there is no objection.

Mr. BURLESON. Do I understand that this is coming out of our time?

The SPEAKER pro tempore. No, sir.

Mr. LILLEY of Pennsylvania. Mr. Speaker, I ask unanimous consent that the Clerk report the bill as agreed upon with the conferees.

Mr. GROSVENOR. Mr. Speaker, I object to the reading of the conference report. It has been read once.

Mr. PAYNE. What the gentleman from Pennsylvania [Mr. LILLEY] is asking for is the bill.

Mr. GROSVENOR. If the Clerk has the bill, I have no objection to that.

The SPEAKER pro tempore. Does the gentleman withdraw his objection to that?

Mr. GROSVENOR. I do.

The SPEAKER pro tempore. The Clerk will read. If gentlemen have a print of the Senate bill, they can follow the reading of the Clerk.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MANN. I would like to know how the Clerk can tell how the bill will read as reported from the conference when

the conferees reported that the House receded from Senate amendment No. 8 in one place and in another place report that they recede with an amendment.

The SPEAKER pro tempore. The intent of the report seems to be to concur in amendment 8 with an amendment, and the Clerk has been able to follow that intent.

Mr. MANN. So that the Speaker rejects that portion—

The SPEAKER pro tempore. There seems to be some ambiguity—

Mr. MANN. So the Speaker rejects that portion of the conference report which says that the House receded from the Senate amendment numbered 8.

The SPEAKER pro tempore. The Chair believes that the intent of the report is plain, although there seems to be some technical difficulty. [Laughter.] The Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That section 5501 of the Revised Statutes of the United States is hereby amended by adding thereto the following:

"Sec. 5501a. Every officer or employee of the United States and every person acting for or on behalf of the United States in any official capacity under or by virtue of the authority of any Department or office of the Government, who shall, while holding said office or position, become possessed of any information which would tend to exert an influence upon or affect the market value of any product grown within the United States, or which would tend to exert an influence upon or affect the market value of the bonds of the United States or the stocks or bonds of any incorporated company, which information is required by law or under the rules of any Department of the Government to be withheld from publication until a fixed time, and who shall willfully impart, either directly or indirectly, said information, or any part thereof, to any person not entitled under the law or rules of the Department of the Government to receive same, shall be punished by imprisonment for not less than one year nor more than five years, and may, in addition, be fined in any sum not less than \$500 nor more than \$5,000.

"Sec. 5501b. Every officer or employee of the United States and every person acting for or on behalf of the United States in any official capacity under or by virtue of the authority of any Department or office of the Government thereof and every Member of Congress who shall, by virtue of the office or position held by him, become possessed of any information which would tend to exert an influence upon or affect the market value of any product grown within the United States, or which would tend to exert an influence upon or affect the market value of the bonds of the United States or the stocks or bonds of any incorporated company, and who shall, before said information is made public through regular official channels, either directly or indirectly, speculate in said product, stocks, or bonds, by selling or buying same in any quantity, shall be punished by a fine of not less than \$500 nor more than \$5,000 and may be imprisoned for not less than one year nor more than five years."

Mr. BURLESON. Mr. Speaker, the Clerk has properly reported this bill just as agreed upon by the conferees. It is simple in its terms. No intelligent man can misunderstand its meaning, provided he wants to understand it.

Mr. McCALL. Will the gentleman yield?

Mr. BURLESON. I have only a limited time as the gentleman knows and—

Mr. McCALL. I want to ask the gentleman one question on the phraseology of the bill.

Mr. BURLESON. I decline to yield, not from any disposition to refuse the gentleman information, but because I have only limited time, and there have been so many specious objections offered to this measure, so many misleading arguments urged against it, that I feel it will require all the time allotted me to answer them. I desire in the beginning to assure the membership of this body that there has been and is now absolutely no disposition upon my part to keep from it full information in reference to the purpose or the effect of the proposed bill. The gentleman from Massachusetts [Mr. McCALL] has said that he feels quite sure that there are not more than five Members of Congress, including both ends of this Capitol, who understand just what this measure means.

If the gentleman is correct about that, Mr. Speaker, am I responsible for it? This bill in the same terms, except as it applies to Members of Congress, passed this House by a unanimous vote. Practically the same measure, with a few unimportant amendments, passed the Senate of the United States by a unanimous vote. When the matters of difference between the two bodies were brought before the conference committee I appeared before the conferees and expressed the desire that the words "and every Member of Congress" should be inserted in the second section of the bill, my purpose being to embrace them within the terms of the bill. The conferees unanimously agreed that this should be done, the understanding being that when the effort was made a full statement should be made to each body. When this was done by the chairman of the Senate Judiciary Committee objection was made that it was a violation of the rule of the Senate. Then the matter was again brought before both bodies through a concurrent resolution, and passed each by a unanimous vote. Thus it is seen that five times this measure has passed by a unanimous vote before this and the other body, and yet Members stand here and have the effrontery, the temerity, to confess that a measure that has

thus passed before the two bodies of the Congress is not understood by Members. I can not understand such an admission, and must confess my surprise that anyone could be found who would openly make it.

Mr. Speaker, before I begin to address myself to the reasons urged by the gentleman from Massachusetts [Mr. McCall] why this conference report should not be adopted, I wish briefly to state the circumstances which led up to the introduction of the bill and the reasons which prompted me to introduce it. Last summer a subordinate official in the Bureau of Statistics in the Agricultural Department betrayed the trust which had been reposed in him by the splendid official who heads that great Department. At first the rumor was current throughout this city that this subordinate had betrayed his trust, and finally publication of the fact was made in the papers that some one connected in an official way with the Bureau of Statistics was using for speculative purposes the statistical information relating to cotton which had been gathered by the Government through that Bureau.

When the publication of this charge was made the Secretary of Agriculture promptly set upon foot a sweeping investigation. Bringing to bear all the instrumentalities of his Department for the purpose, the Secretary of Agriculture, after an examination which was rigid, disclosed that one of the officials who had to do with the compiling of the cotton statistics had betrayed his trust. Immediately an outcry went up, first heard on the part of the cotton producers, that this official who had betrayed his trust should be punished. The cotton manufacturers echoed that demand, that this man who had proven unfaithful should be punished. The newspapers were insistent that this guilty official be brought to book; and finally the President—and inasmuch as the gentleman from Massachusetts has made allusion to that, I will allude to it—the President, who but recently had engaged in a vigorous “stunt” of whitewashing Mr. Morton, his ex-Cabinet officer, who was charged with a violation of the Sherman antitrust law, a law that was plain, and notwithstanding many charged, he was a self-confessed violator of this law, still the whitewash was applied—the President rushed into print a letter addressed to the Attorney-General, demanding that this poor, miserable worm, the insignificant subordinate, who had betrayed his trust, should be promptly and vigorously prosecuted. If I recollect aright, the President demanded that he be consigned to the penitentiary.

The law officer of the Government, the Attorney-General, the matter having thus been brought to his attention, set on foot—and I would not have alluded to this but for the statement made by the gentleman from Massachusetts—the law officer of the Cabinet, desiring to carry out the will of his superior to enforce the law, set upon foot an investigation to see what could be done to meet this public demand, this righteous demand, that the official who had violated his trust, who had proven unfaithful, should be punished in some way for the act he had committed.

The Attorney-General made investigation. Now, as to the result of that investigation, whether the Attorney-General reached the conclusion that there was no law on the statute to punish this unfaithful official, I will not say, for as I understand it some character of prosecution is still being attempted, but I will say that the Secretary of Agriculture, the first time I met him afterwards, asked that a bill be introduced penalizing such acts, a bill making such acts an offense, and that is what I have done by the introduction of this bill. Mr. Speaker, I will say, furthermore, that the Secretary of Agriculture earnestly favors this measure. Furthermore, your President recommended it in his message. I read from his message to this Congress:

Legislation should also be enacted to cover explicitly, unequivocally, and beyond question breach of trust in the shape of prematurely divulging official secrets by an officer or employee of the United States, and to provide a suitable penalty therefor. Such officer or employee owes the duty to the United States to guard carefully and not to divulge or in any manner use prematurely information which is accessible to the officer or employee by reason of his official position. Most breaches of public trust are already covered by the law, and this one should be. It is impossible, no matter how much care is used, to prevent the occasional appointment to the public service of a man who when tempted proves unfaithful; but every means should be provided to detect and every effort made to punish the wrongdoer. So far as in my power lies, each and every such wrongdoer shall be relentlessly hunted down; in no instance in the past has he been spared; in no instance in the future shall he be spared. His crime is a crime against every honest man in the nation, for it is a crime against the whole body politic.

I will say furthermore that the Attorney-General of the United States—

Mr. McCALL. Did the President refer to this particular form of bill?

Mr. BURLESON. Why, certainly not. But I challenge any well-informed lawyer here to prepare a comprehensive measure covering this situation in any other form than the one I have

introduced and which we are now considering. You can not do it; it can not be done. The President urged the passage of such a bill. In the same message the President also says:

In my last message I asked the attention of the Congress to the urgent need of action to make our criminal law more effective; and I most earnestly request that you pay heed to the report of the Attorney-General on this subject.

The Attorney-General said in his report, if you turn to it, and I read from his report:

Misconduct in office was always a grave offense under the English common law. As such it was brought to this country and was embedded in the common law of Maryland and thence was transplanted to the District of Columbia. Various decisions of the courts of this district show that there this crime is a Federal offense, although within the territory of the States there are no Federal common-law crimes.

After experience in pending cases, and notably the “cotton leak” case, and after careful reflection, I am convinced that the Federal statutory law should make this an offense throughout the United States. Its present local meaning and application should be enlarged for purposes of punishment substantively and for purposes of removal for trial in general between all the districts of the United States. The scope of the crime under the common law should be reduced to precise specification. It is true, as a mere possibility, as the matter stands at present, that irregularities and misbehavior, which are blamable but trifling, may be included in the definition of the offense; but the most serious and essentially criminal matters which now escape definition and punishment in the criminal code are also included.

It is entirely feasible to insure by the terms of the statute against tyrannical persecution on petty accounts, but the law should at once take cognizance of those situations in the recent history of administration where dishonest and conspiring officers of the Government, taking advantage of loopholes and omissions in the law, have skillfully concerted, to the vital injury of the public or the Government, schemes which are essentially fraudulent and corrupt.

On a recent occasion (in the “cotton-leak” matter) for testing this subject, the difficulties confronting the United States in extending the reach of the law for this offense beyond the confines of the District of Columbia and in securing removal for trial were sharply presented. A United States commissioner held that because the nature of the offense was local and peculiar to this jurisdiction and was not clearly defined, and because the charge might be made unjustly and improvidently for all sorts of trifling transactions, the United States was not entitled to a removal for trial of the particular accused persons. It is difficult to understand how this conclusion could be reached in a case presenting acts which were manifestly and essentially criminal in the highest degree. The principle is well established that the exercise of a right is not to be denied because in enforcing it there might possibly be in some supposititious case an abuse of power.

I recommend, therefore, that a statute should be enacted at this session of the Congress which shall deal adequately with this subject, defining the offense, providing for its punishment, extending the prohibitions of the law throughout the United States, and including this offense in the present laws concerning removal or in any amendment of those laws which may be enacted consequent upon the recommendations relative to that subject which I have made in this report. I shall have the honor to submit hereafter to Congress an outline or suggestion of a suitable bill for this purpose.

Note that he says he will submit hereafter to Congress a comprehensive measure covering this matter.

Mr. OLCOTT. Will the gentleman allow me to ask him a question?

Mr. BURLESON. I will yield to the gentleman for a question.

Mr. OLCOTT. While this discussion was going on, I have received a telegram from a friend of mine in New York, and I would—

Mr. BURLESON. I decline to yield to the gentleman for a statement. I yielded to him for a question.

Mr. OLCOTT. I had a query that I wanted to make of the gentleman—

Mr. BURLESON. I decline to yield, Mr. Speaker. The Attorney-General had stated in his report that it was his purpose to submit to this body a comprehensive measure. After I prepared this bill I carried it to the Department of Justice as I had written it, in order to see whether it was broad enough to meet the Attorney-General's views. I have a letter from the Attorney-General approving this measure. I read it now to you:

HON. ALBERT S. BURLESON,
House of Representatives.

MY DEAR SIR: Referring to the bill about to be introduced by you in the House of Representatives, defining and punishing that variety of misconduct in office which consists in the fraudulent publication of Government information by an officer or employee of the Government, or in speculation in the markets based thereon, I beg to say that the intent and language of your bill appear to me to strike at one of the most serious evils in official relations to the Government, and to be adequate for the purpose in view. Speaking to you informally, I therefore beg to say that I approve the bill. It is likely, however, that, in pursuance of the recommendation in my current annual report, I shall suggest to Congress before long a measure which shall deal with misconduct in office generally, either adding it to the list of Federal offenses without definition, leaving to the courts the duty of defining and applying the scope of the law, or defining the offense in the bill by language which shall seek to describe its general nature with specification sufficiently precise to include every variety of official misconduct which is really criminal.

Very truly, yours,

W. H. MOODY.

It is true the words “Members of Congress” were not in the bill at that time, but I stated to the Solicitor-General of the United States, one of the ablest lawyers on this continent, with whom I discussed it before its introduction, that

it was my purpose to ultimately put these words in, and I have no apologies to offer for attempting so to do. I also informed the chairman of the Judiciary Committee, the gentleman from Wisconsin [Mr. JENKINS], that it was my purpose to have these words inserted in the bill, and I have no apology for it. I will not give the reasons why I did not at the start have these words embodied in it. Well, I will state this, there are said to be many pigeonholes in committee rooms where measures containing objectionable features or that do not meet the requirements of certain interests can be easily laid away, there to sleep the sleep that knows no waking. I would not be candid if I did not say that I anticipated some trouble in getting this bill through in this form.

I thought there would be trouble and for this reason did not start the bill with the words "Members of Congress" embraced therein. I was determined, though, to have them in if it was possible for me to accomplish it.

I intended to have those words placed in the bill upon the floor of the Senate of the United States, after it had passed through the committee stage in both bodies, and but for the fact that the junior Senator from Texas was called from his duties to a distant city because of his father's fatal illness, I would have had them put in the bill on the floor of the United States Senate.

The bill passed the Senate, the junior Senator from Texas having been called away was not present at the time, and the bill finally went to conference without the words "Members of Congress" in it. Mr. Speaker, I then went before the conference committee and asked that those words be put in the bill.

The conferees unanimously agreed that this should be done, and because of the rules of the two bodies it was understood that a frank statement should be made to each of the purpose sought to be accomplished. When the report was presented to the Senate the record will show that a full statement was made, and objection was made upon the floor of the Senate that it was in violation of the rules. No Senator was willing to get up in the open and say that he opposed the recommendation because it was applying this law to Members of Congress. The objection was made, and it was the sole objection made, that it was in violation of their rules.

Finally, after some discussion, upon the suggestion of the senior Senator, I believe it is, from Massachusetts, the distinguished historian, a man who I believe is one of the few men from the New England States in that great body who at all times faithfully represents his State and her people, and against whom the charge has never been made that he represents a special in—I will not complete that sentence for reasons that are obvious—this Senator suggested that the matter in controversy could be settled by passing a concurrent resolution authorizing the conferees to put the words "Members of Congress" in the bill. Now keep in mind that the bill as it originally passed this House did not embrace Members of Congress in its terms; it passed unanimously and no objection was heard from any quarter.

The concurrent resolution was prepared and adopted unanimously by the Senate and, be it said to the Senate's credit, it also adopted without opposition this conference report which is now here so stubbornly resisted. This concurrent resolution has also been adopted by this body and the words "Members of Congress" are now in the bill.

That fact seems to be the occasion of the trouble here. The gentleman from Massachusetts [Mr. McCALL] says the adoption of this report would be spreading snares for the feet of Members of Congress; that it would be setting statutory traps for those who come after us. Mr. Speaker, the gentleman from Massachusetts [Mr. McCALL] might just as well have said that every law denouncing a crime that is placed upon the statute books sets a trap for men. Mr. Speaker, the criminal laws of this country set no traps for men, save the vicious, depraved, dishonest men. This bill setting a trap for honest Congressmen! No, it sets no traps, except for corrupt and venal Congressmen. [Applause.]

Mr. Speaker, the gentleman from Massachusetts [Mr. McCALL] has referred to the message sent here some time ago severely criticising a certain judicial officer. I have as little sympathy as any man on this floor with the scandalous reports that have been published broadcast with reference to Members of Congress, especially those at the other end of this Capitol. I have no respect for the muck raker. But, sir, I have just as little respect for the muck raker who holds the handle at the other end of the avenue, and through a message here, rakes a judicial officer who happens to decide a case not in accord with Executive will as I have for the muck raker who through the yellowest of the yellow journals pours out his filth upon honest men who may for the time being be holding public office. I

say this because I propose to follow the statement with another. Mr. Speaker, the conviction is ripening in this country that the law, when it touches the poor and the helpless, is swift in its enforcement, and that punishment for their wrong doing is easily brought to them, but that the rich and the powerful have nothing to fear, though officials acting under the sanctity of a solemn oath may be charged with its enforcement—the law as against these becomes weak and impotent.

Mr. Speaker, heretofore the law, as written, has been made to apply to all alike, though, as I have just said, it frequently does not bear on all with equal force. Have we now reached the period in our country's history when a law can be written and one class exempted from its provisions? Shall we define an offense and say if the lowly clerk in the Department is guilty of the act he shall be punished but if a member of Congress is guilty of the same act he is not to be punished? Is it "an exquisite absurdity" to insist this shall not be done?

Mr. Speaker, why should we not make this bill apply to ourselves? Does the gentleman from Massachusetts [Mr. McCALL] offer us a substantial reason against the adoption of this report by simply asserting that "the idea had not been put forth since the foundation of the Government?" Many new things are happening in this wonderful country of ours. We are about to have a law regulating railroad rates. According to the logic of the gentleman from Massachusetts [Mr. McCALL] we must not have it because the idea had not been put forth since the foundation of the Government. Mr. Speaker, why is this bill being so stubbornly opposed?

I accord to the gentleman from Massachusetts [Mr. McCALL] absolute honesty of purpose. I do not mean to impugn his motives in any way, but I do say there are those who are hiding behind the brave fight that he has made, who are anxious to eliminate this phrase from this bill or defeat it. Ah, they try to make it a matter of jest. One gentleman says he would be afraid to give information about a burning barn. Another gentleman—I could not exactly understand him, but the gentleman from Indiana [Mr. LANDIS]—asked if information given out about the passage of the parcel posts bill would be a violation of its provisions. Another expresses the fear that he would have to go down and get information every morning from some bureau chief to be sure he was not going to violate the law during the day. Not a bit of it.

This bill, in plain terms, says that any man who by virtue of the office he holds acquires information that would tend to affect the value of any product or stocks, and goes upon the mart to speculate in them before this information is made public through regular official channels, shall be guilty of a crime. Who stands here and says he ought not to be? If he acquires the information, not on the street corner, not in witnessing the burning of a barn, but acquires it by virtue of the office given to him by the people to represent them, and then takes advantage of this information and before the people he is representing has knowledge of it, goes to the market and speculates, profiting, it may be, at the expense of the very people who have trusted him as their representative, who can here be found that will attempt to justify it? I say such conduct should be declared by law a crime. The crime would be, not in giving out information but in acquiring information by virtue of the office he is holding and then using it for speculative purposes before others know it.

Mr. OLMSTED. Show me that language in the first section.

Mr. BURLESON. The first section does not apply to Members of Congress at all. It relates only to administrative and executive officers who gather statistical information.

Mr. OLMSTED. Not unless a Member of Congress is in the service of the Government.

Mr. BURLESON. It does not apply to Members of Congress at all, for under the decisions of the Supreme Court you must put the words "Members of Congress" in this bill if it is going to apply to Members at all.

Mr. COOPER of Wisconsin. Will the gentleman yield for a question?

Mr. BURLESON. Yes; for a question.

Mr. COOPER of Wisconsin. If the gentleman will permit me, I have thought that the important words, among the most important in either section, were these:

Information which under the law, or under the rules of any department—

it being official information—

must not be published before a fixed time.

Is that stricken out?

Mr. BURLESON. Not at all. Do you mean in the second section of the bill?

Mr. COOPER of Wisconsin. Yes.

Mr. BURLESON. I will read it again, because I feel sure

that many objections that have been voiced upon this floor are based upon misinformation and misunderstanding of what this bill contains.

Every officer, etc., * * * and every Member of Congress who shall, by virtue of the office or position held by him, become possessed of any information which would tend, etc., to affect the market value of any product, etc., or stocks or bonds, etc., and who shall before said information is made public through regular official channels, etc., speculate in said products, stocks, or bonds, etc., shall be punished by a fine, etc.—

Mr. COOPER of Wisconsin. Will the gentleman allow me to say one thing more? My understanding of the bill is as now reported, and I propose to support it if my understanding is correct, that the law gives to a certain Department the right to make investigations, acquire official information, and provides that it shall be kept secret until a certain time, and this amendment proposes that Representatives in Congress and Senators shall not go, as some of them are now reported to go—I do not know whether it is true or not—to the clerks and officials and, in advance of this time fixed by law, get the secret information and make money on it. If that is correct, I shall vote for the bill.

Mr. BURLESON. That is exactly what the bill is intended to prohibit.

Mr. COOPER of Wisconsin. And the only information that is touched upon in either section of the bill as last reported, as I understand it, is the information which the law or the Department says shall not be made public until a fixed time, so that everybody can have an equal right to use it?

Mr. BURLESON. That is exactly correct.

Mr. GARDNER of Massachusetts. Mr. Speaker, I want to ask the gentleman a question. On page 2, lines 24 and 25—are they stricken out in conference or not?

Mr. BURLESON. They were stricken out in conference.

Mr. COOPER of Wisconsin. Do I understand the gentleman to say that lines 24 and 25 are stricken out?

Mr. BURLESON. Lines 24 and 25 on page 2 were stricken out because the conferees held that it was unnecessary to repeat the words there and because, further, if the words "Members of Congress" are inserted as part of the bill those words stricken out become inconsistent with its other wording.

Mr. GARRETT rose.

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Tennessee?

Mr. BURLESON. I will yield to the gentleman, but only for a question.

Mr. GARRETT. Page 2, lines 4, 5, and 6 read "which information is required by law or under the rules of any Department of the Government to be withheld from the public until a fixed time." Is it not, to say the least of it, very unusual to provide that the violation of some indefinite rule made at any time in the future by a Department shall be a criminal offense?

Mr. BURLESON. It would not be a violation upon the part of a Member unless he acquired the information in violation of the rules of the Department, and also by virtue of his official position, and should then further take the affirmative step of speculating in stocks or products, the market value of which would be affected by this information.

Now, Mr. Speaker, I have no disposition to be discourteous to the gentleman, but I can not yield further. Mr. Speaker, I want some man to state to me why the words "Members of Congress" should be stricken from this bill when we understand that it applies to the humblest clerk in the Departments the head of every bureau, and—

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. BURLESON. I would like five minutes more.

Mr. JENKINS. I will yield to the gentleman five minutes.

Mr. BURLESON. I would like to know why these words should be stricken out when it is understood that this law is sought to be made to apply to every clerk however humble, to the chief of every bureau, to the head of every department of the Government, and to the President of the United States himself. For the proper protection of society crime not alone in every degree should be vigorously condemned, but punishment should be visited upon those who commit it regardless of their wealth or official station.

Mr. GRAHAM. Mr. Speaker, I raise the point of order. Have we not the privilege and the right to demand a copy of the bill to know what we are voting on? I can not obtain a copy of the bill as it is amended at all. The bills on the desk do not contain the provisions that the gentleman is discussing.

The SPEAKER pro tempore. All the light has been given by printing the conference report in the Record.

Mr. BURLESON. Mr. Speaker, so far as I am concerned—

and I do not want the House to misunderstand my position—I have no disposition to have a single man in this body vote without knowing what he is voting upon. If the gentleman from Wisconsin wants to do it, and it can be done so as to ultimately insure a vote on this bill, I am perfectly willing that it shall go over until a reprint of the bill, as agreed upon, may be had. I certainly want the membership of this body to vote with its eyes open, so that no man may afterwards say the measure was not by him thoroughly understood.

If the time has come in this country when we propose to exempt one class from the operation of the criminal law, or a bill is to be killed because an effort is made to apply its terms to all alike, I want to know it. The English-speaking people, the first of the great self-governing people, recollecting the tyranny of former rulers and the oppression of former laws, ever watchful of their liberties and jealous of their rights, have for years and years hedged the citizens and the individual about with protections and technicalities of the law until in this country we have reached a point where it is not the innocent who are in danger of conviction, but where it is almost impossible to punish the guilty. Every man within the sound of my voice knows that this is true.

Mr. COOPER of Wisconsin. I think, with all respect to the gentleman from Texas, that the gentleman is mistaken as to the effect of the second section as I have been reading it. Information which would come to a Senator or Representative in Congress would not come to him "by virtue of his office," because there is no requirement of law which says that that information shall be given to him; he might investigate, but it would not come "by virtue of his office." It comes to the Secretary of Agriculture by virtue of his office when the law authorizes him to conduct an investigation, and then by rule or by the law enacted by Congress that information must not be made public before a fixed time.

Mr. BURLESON. That is what we are trying to do now, to make a law prohibiting the use of public office for private gain.

Mr. COOPER of Wisconsin. Which requires that I shall get any information of any kind except such as I go out voluntarily and seek.

Mr. BURLESON. The gentleman is not asking a question, and I have only a few minutes more. I say to the gentleman that six of as good lawyers as can be found in the Congress were on the conference committee, and after carefully weighing the very suggestions now made by the gentleman from Wisconsin this conference report was formulated. The bill carefully guards against the punishment of any innocent or unsophisticated Congressman.

Mr. COOPER of Wisconsin. I just want to ask one more question, and then I will be through.

Mr. BURLESON. Oh, I must decline to yield. I have only a few minutes more. In conclusion, Mr. Speaker, I have only this to say: The gentleman from Massachusetts [Mr. McCall] has said that Members come here from all sorts of occupations or business, and that they should be permitted to exercise a degree of commercial freedom, and to that I certainly have no objection. But, Mr. Speaker, I insist that the people do not send their Representatives here for the purpose of enabling them to fill their pockets by an improper use of the important office they hold. Surely no one will contend that a Member of Congress should be permitted to promote his private fortune by speculating on information which may come to him as a Member of an important committee, and that, too, at the expense of the very people who have given him his office, while they are still in ignorance of the information the Member uses to enable him to make a gainful speculation. I have no objection to the business man in Congress, but I do object to the use by him of that office to acquire information to promote by speculation his business interest. Who is there here who will say this should be done? The purpose of this bill is to prevent such practices, if anyone can be found who would be willing to engage in them.

Mr. Speaker, we now have no law to prevent or punish such practices. We have no law to punish officials who betray the trust imposed on them to keep until a fixed time valuable statistical information gathered for the benefit of all the people. The President properly characterized such conduct in his message, and it is our duty to enact a comprehensive law covering such cases. The adoption of this conference report will accomplish this result. The passage of this bill will cast no slur on any member of Congress, and will be the occasion of no worry or trouble to any honest Member. As it is now, we have no law covering this class of wrongs.

On the 10th day of this month, when two of the men who were said to be implicated with the clerk who betrayed his trust last summer, were on trial in New York, Justice Holt, who, I understand, is an able lawyer, dismissed the case, and in dispos-

ing of the matter said that in so far as he saw—I now read from a New York paper—"there was nothing in the law to have made it obligatory on Statistician H—to have kept secret the statistical facts contained in the cotton reports, no matter how reprehensible the divulging of them may have been." Now, the Secretary of Agriculture is anxious for a law to cover such cases. The people—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. JENKINS. Mr. Speaker, in view of the suggestions just made by the gentleman from Texas [Mr. BURLESON], I would ask unanimous consent that this matter go over until some day next week, when it may be taken up immediately after the reading of the Journal.

Mr. GROSVENOR. Oh, I object, because in the beginning I appealed for that and the gentleman refused.

Mr. BURLESON. To what gentleman does the gentleman from Ohio refer?

Mr. GROSVENOR. I appealed to have this printed and that the matter go over until Monday, and it was objected to.

Mr. BURLESON. Does the gentleman say that I objected to it?

Mr. LILLEY of Pennsylvania. You certainly did.

Mr. BURLESON. I state to the gentleman that I have made no such objection, and make none now, so far as I am concerned, and I have repeatedly said this. I am willing that all possible light should be turned on this measure.

Mr. GROSVENOR. We are all ready to vote now.

Mr. GARDNER of Massachusetts rose.

The SPEAKER pro tempore. How much time does the gentleman yield?

Mr. McCALL. The gentleman from Massachusetts desires to ask a question, and I yield to the gentleman for two minutes.

Mr. GARDNER of Massachusetts. I only want two minutes in which to ask an elaborate question. I ask the attention of the gentleman from Texas [Mr. BURLESON] and the attention of the gentleman from Massachusetts [Mr. McCALL], to whom I shall address this question.

Last autumn the United States fisheries of this country were in controversy with Newfoundland and Great Britain over our rights under the treaty of 1818 in herring fishing. I was here in Washington representing my constituents before the State Department. I was in constant touch with the captains of our fleets by cable with Newfoundland, with the Board of Trade in Gloucester, and with many individuals. I was continually in touch with them and in consultation with the State Department, which was acting in our behalf with the government of Newfoundland and with the Government of Great Britain. I was advising our captains by cable whether to set their nets, whether to ship the crews on the high seas, whether to fit out their vessels in Gloucester, and incidentally while I was publishing that information, which I got in the Department and which was not given out generally to the public, the price of herrings kept fluctuating in the open market. In other words, I was giving out information which incidentally tended to affect the price of an article produced in the United States. Now, I ask the gentleman from Massachusetts [Mr. McCALL] and afterwards the gentleman from Texas [Mr. BURLESON] whether under the provisions of this bill both the Secretary of State and myself could not have been imprisoned, and if they say no, then I ask them to point out to me why not.

Mr. BURLESON. Mr. Speaker, I say not, because the Secretary of State was giving out to the gentleman through regular official channels the information that came to him.

Mr. GARDNER of Massachusetts. But that clause has been stricken out.

Mr. McCALL. I think it is clear that the Secretary of State would have to go to jail under this bill. The gentleman from Texas is a very good lawyer, but he has demonstrated, especially in reply to the gentleman from Wisconsin, that he does not understand this bill at all. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. Sixteen minutes.

Mr. McCALL. I yield twelve minutes to the gentleman from Ohio.

Mr. GROSVENOR. Mr. Speaker, I do not doubt that the purpose of this legislation is a wise purpose. I do not doubt that there is necessity for the enactment of some statute in regard to the subject-matter. It could have been put in ten lines. Let me now suggest, "whoever being an officer or employee of any Department of the Federal Government who shall give out any fact, or statement, or confidential communication, or any statistics of any crop or crops or other production of the United States without the authority of the head of such Department shall be punished," etc. Now, there is the whole of this trouble

all provided for in this short section, and instead we have offered to us a criminal statute that might involve the President of the United States or any judge upon the bench, and every Congressman and every Senator and everybody else, in order to reach that simple little provision that any country lawyer could have written in ten minutes and made absolutely conclusive the whole subject. Why, Mr. Speaker, let me call attention to one or two provisions of this bill, and I have at least succeeded after a long struggle with the mystery of this conference report in working out through the aid of the Clerk substantially what the bill is.

Every officer or employee of the United States, and every person acting for or on behalf of the United States in any official capacity under or by virtue of the authority of any Department or office of the Government, who shall while holding said such office become possessed—

Think of that now. Who is to say when a man is "become possessed" of some information?

Mr. BURLESON. Did the gentleman ask me?

Mr. GROSVENOR. No; I did not ask you, and you can not answer. The jury is to say, are they not? Well, I got it from a newspaper, I got it from a report on the street, I got it from conversation with an employee of the Government, but I "became possessed" of it. Now, then, there are two things to be decided as questions of fact: First, that I am possessed of it, and, second, that it "tends to affect the value of bonds of the Government or of any corporation." I get some information; I "become possessed" of some information that if it is given out to the public will affect the bonds of the Pennsylvania Railroad, and I give it out—no matter whether it "tends" to raise or lower the bonds. I am a Congressman, or an employee of the United States; I am sent to the penitentiary for it. That is this law, that is exactly this law; and the jury is to decide how I got it, how valuable it is, and what I did with it. In all the history of judicial legislation an equal monstrosity to the one here was never produced by the genius of man. [Laughter.] No wonder when they sent this section up to the Committee on Revision of the Laws and undertook to have it incorporated in one of the chapters of the criminal statutes of the United States the committee rejected it without any hesitation whatever. Let us see, now, what else there is in this bill. I am an employee of one of these departments, and my friend from Texas is another.

The chief of the bureau or department concludes that he had better send one of us to the penitentiary, and so he gives me, for instance, some information to-day, and to-morrow he makes a regulation and puts it up, saying that no information on that subject shall be given out. I do not know anything about it, and I give it out, and I am gone. Then he concludes it would be a pretty good thing to let the gentleman from Texas give out some information on the same matter, and he rubs off the regulation immediately, and my friend from Texas goes ahead and speculates, and the next day afterwards he puts up the regulation again to stop anybody else from giving it out. That is this law, and you can not make anything else out of it. No intelligent man can defend the proposition from the attack which I have made. Mr. Speaker, never before in all the history of judicial legislation in this country was a bureau officer permitted to create a criminal statute in the United States—to create a crime and fix the penalty, as with this law is clearly provided. That is exactly this law. It is done for a wise purpose, I have conceded, but it was so easy to have reached this question by a ten-line statute that I am amazed that it should have ever found its way in here. I indorse what the gentleman from Massachusetts has said. Congressmen ought not to be, just at this particular time, holding out to the people of the United States that there ought to be some barrier in the form of a criminal statute put up against intelligent action of a Member of Congress. I am going out of Congress, and I do not expect to violate this statute during the period I stay in; but I protest, on behalf of the gentlemen who are to continue to make laws for my country, that it is degrading the very office and name of a Congressman to say that he must go to the penitentiary if he happens to give out information of which he becomes possessed. Think of that! Why should you attempt to degrade the office of Congressman in this way?

There never was the like of this in the English language. Suppose somebody had polled the Senate a day or two ago and found out exactly what was to be in the rate bill, and obtained it from some United States official, and became "possessed of" the information and gave it out, and the jury would say that it tended to affect the value of railroad securities in the United States? And the funny part of it is that the Government is going to send a man to the penitentiary for stating something that increases the value of Government bonds in a given case. There it is. That it tends to affect the Government bonds!

Why, if the gentleman from Texas [Mr. BURLESON] gets upon the floor and makes one of his powerful attacks on plutocracy and the holders of Government bonds, it might have a tendency to lower the price of them; but, on the other hand, if the President of the United States should issue a message to Congress saying that he was in favor of a certain action in regard to the finances of the Government, that might increase the value of the Government bonds, and he has violated this statute just as much as the gentleman from Texas has.

Mr. Speaker, I hope Congress will sit down on this measure. It can not be defeated by too large a majority. Then let the gentleman from Texas [Mr. BURLESON] come with his measure to suppress publicity, although just at this time that sounds a little curious from a gentleman from the South, or from the North, even. We are told now that the very life and future of the Republic are going to depend upon certain enactments that will produce publicity of everything that is going on, so that everybody will know just how much money everybody else has. I do not care much for such a statute as that myself. It will not have a very powerful effect upon me.

Now they want it made a crime to divulge a secret. They are perfectly willing to vote, and I will vote, for such a bill, if it be constructed upon such terms as to be just, equal, and fair; but to reach out and propose that the people of the United States are compelled to protect the interests of the people of the United States themselves against the cupidity and bad morals of the Congress of the United States, I have too much pride in my long relation to Congress to vote for such a measure as that. [Applause.]

I yield back my time.

The SPEAKER pro tempore. The gentleman from Massachusetts has seven minutes remaining.

Mr. McCALL. How much time has the gentleman from Wisconsin [Mr. JENKINS]?

The SPEAKER pro tempore. Twenty-eight minutes.

Mr. JENKINS. I would like to have the gentleman from Massachusetts [Mr. McCALL] use his time now.

Mr. McCALL. Mr. Speaker, I think the course of this debate has amply justified me in directing the attention of the House to this measure. I think that my friend from Texas [Mr. BURLESON], a very good lawyer, has proven in the presence of the House that he does not understand the exact meaning of this measure. He has made a very strong case here by insisting upon the default. He says that it has passed the House, it has passed the Senate, and this thing was done by the House and another thing by the Senate, and yet I adhere to my original proposition. Possibly there may be more than five, but, I dare say, there are not more than a dozen Members who understood this bill. The gentlemen about me know whether they knew about this bill when it passed or not. And if there are a dozen Members, the gentleman from Texas can not be included in their number. [Laughter.]

Now, Mr. Speaker, I am not pleading for the exemption of Members of Congress. I want to reiterate what I said when on the floor before, that the original bill, applicable to the executive officers, ought never to pass this House. I do not believe any Member here would want to go into the Cabinet if he went in under the penalty of a minimum of a year in the penitentiary if in an unguarded moment he gave some member of the press or somebody else some information, which he happened to know as an officer, which might tend to affect the value of all this property.

Mr. BURLESON. I feel sure that the gentleman does not want to mislead anybody. He has stated that the minimum punishment prescribed in the bill is a year in the penitentiary. The second section of this bill, the only section which applies to Members of Congress, might be violated and no penitentiary penalty visited against the violator.

Mr. McCALL. Now, in regard to the gentleman's suggestion, I would ask Members to read the first section of the bill, and see that the minimum penalty inflicted for giving a newspaper man or anybody else any of this information is a year in the penitentiary.

Mr. BURLESON. That does not apply to Members of Congress.

Mr. McCALL. That is the point I made before the gentleman from Texas [Mr. BURLESON] interrupted me. I think the original bill ought not to pass. And then I asked the gentleman who proposed to broaden the measure to give some affirmative reason why it should include Members of Congress—that is, some other reason than that it was necessary to complete the absurdity of the absurd bill—and he did not get back of the bill. He took the bill as his standard and reasoned from that.

Mr. BURLESON. The gentleman knows quite well that my time expired before I finished my remarks. But I can give him

an instance, or reason, for its passage, so far as that is concerned. Every Member of this House, I believe, will remember that a few years ago a stockbroker—Chapman, by name, as I recollect it—was, during an investigation in regard to a scandal in reference to the sale of sugar stocks, committed to jail, or, rather, permitted himself to be sent to jail and kept there for a number of days, declining to disclose the information, growing out of a transaction similar to that which I now propose to reach by this bill. If I can have my way, I would denounce such transactions as violations of the law.

Mr. McCALL. I say that case would not be covered by this bill at all. Then I want to say further that since that instance—and he needs to go back nearly to the time of the fathers for it, and the fathers did not see fit to legislate—we have had famine, we have had prosperity, we have had peace, and we have had war, and he has had to go back a dozen years for an instance which he claims would justify the broad provision which he proposes to enact in the bill. Furthermore, I would say that that particular case was dealt with by the body having authority over it. It was the Senate of the United States. It did inaugurate an investigation and did not find that these terrible things were proven of which the gentleman complains—and the only thing that was clearly shown by the investigation, if there should be any change in the statutes, was that the penalty for a witness refusing to answer might properly be increased. Now, if the gentleman thinks he has provided—

Mr. COCKRAN. I would like to suggest that in that case the complaint was, not that the man disclosed things, but that he would not disclose them. [Laughter.]

Mr. McCALL. I thank the gentleman for his witty and effective interruption.

Mr. BURLESON. Yes; if the gentleman will also permit me, it was a refusal to disclose about the practice of a United States Senator who was speculating in sugar stocks upon information that came to him by virtue of the important office he held.

Mr. COCKRAN. Not the information; for it was not a matter of information whatever, but simply a Senator speculated on what he probably knew himself, how he would vote, for or against a certain measure.

Mr. McCALL. Now, Mr. Speaker, if the gentleman wants to cure an evil that is here, he will limit the remedy to the evil. This illustrates the freedom with which we pass penal statutes with their purely legislative standards of right and wrong. I venture to say that if all the penal statutes—Federal and State—were strictly enforced at any given moment of time there would be very few people in this country outside of the penitentiary. [Laughter.] And that statement does not impeach the rectitude of the people of the United States.

After hearing of this trouble about cotton, the gentleman tries to perfect the whole universe in order to take care of cotton. Now, the gentleman might propose a law dealing with products of the soil—and I do not know of any confidential governmental statistics that do not relate to products of the soil—and limited to that, in ten lines, and he would have a bill to which there would be very little objection and would not invite the great evils that this bill will invite.

Mr. PAYNE. Does the gentleman think such a bill could be passed and enforced that would keep these statistics secret so long as the great interests on each side concerned are trying to make them public?

Mr. McCALL. For my part I do not believe in secret statistics.

Mr. PAYNE. Would it not be better to make them known as they went along?

Mr. McCALL. If this bill passed, a seat in this House would be a prize for a rogue and not an honest man. An honest man would need to have a lawyer at his elbow to keep him out of the penitentiary. [Laughter and applause.]

Mr. JENKINS. Mr. Speaker, I beg the indulgence of the House for only a few moments of time. I would not consume any time had it not been for one or two remarks made by the gentleman from Massachusetts.

Now, everybody knows that the gentleman from Massachusetts is honest and needs no defender, and whatever he said in reference to this matter, as springing from the various methods and from business necessities, we are well satisfied that there is no danger that he will get into a net and be taken to the United States prison for the part he will take, so far as that is concerned. But the gentleman said that the Judiciary Committee had not considered this bill—that is, if I understand him correctly. About that the gentleman is simply mistaken. This bill was very carefully considered by the subcommittee first, consisting of the gentleman from Maine [Mr. LITTLEFIELD], the gentleman from Illinois [Mr. STERLING], the gentleman from Alabama [Mr. CLAYTON], and there was no hurry about it.

After they had amended the bill, it was reported to the full committee, and the full committee spent the entire morning hour in the consideration of this bill. It was brought into this House; and it seems a reflection upon the intelligence of the gentlemen here to-day when they come in and plead infancy and ignorance, saying that they did not know anything about it. This bill was brought into this House and passed without a single dissenting vote. The amendments were read. The RECORD shows that the bill was read and the amendments were agreed to, and the bill was passed and sent to the Senate. That body concurred.

Mr. GROSVENOR. If the gentleman will permit me to interrupt him, I will state that I have been informed by a member of the Judiciary Committee that he was present when the bill was considered, and it was passed by a bare majority of the committee.

Mr. JENKINS. I wish you would give the name of that gentleman.

Mr. GROSVENOR. I do not desire to do that. The gentleman is upon the floor.

Mr. JENKINS. The gentleman should not make such a statement.

Mr. GROSVENOR. I have been told by two members of the committee that they did not know that this bill was before the committee.

Mr. JENKINS. Several gentlemen have pleaded ignorance here this morning.

Now, Mr. Speaker, it does not make any difference whether a big majority were present or not.

Mr. HEDGE. Will the gentleman allow me to ask him a question?

Mr. JENKINS. Certainly.

Mr. HEDGE. Does the gentleman mean to insist that the committee passed this bill on purpose? [Laughter.]

Mr. JENKINS. I do not think that is a question that demands any answer, Mr. Speaker.

Now, I want the House to thoroughly understand that after this bill passed the House it went to the Senate and received very serious consideration, first in the committee and then in the Senate. After the matter had once been introduced in the Senate it was withheld for further consideration. I speak of that so that the House may know that gentlemen in the other body thoroughly understood what they were doing. The Senate made some amendments that, in the judgment of this House, it could not agree to, and a conference committee was agreed upon.

When the question was presented to the conference as to whether or not Members of Congress were included in the meaning of that bill, it was an embarrassing question. Some gentlemen insisted that under the broad language of the bill Members of Congress were included, and I am speaking of it because I understand there would be no objection here this morning to the adoption of this conference report if Members of Congress were excluded. They are not looking after the President of the United States; they are not looking after the charwomen and charmen of this Government; they are simply looking after themselves.

Mr. McCALL. May I interrupt the gentleman?

Mr. JENKINS. Certainly.

Mr. McCALL. The gentleman does not intend to say that I ever made a statement of that kind—that I would favor the bill if Members of Congress were not included?

Mr. JENKINS. I never made any such statement. I have not mentioned the gentleman's name. I said I am satisfied from what I have learned that there would be no objection to this bill if Members of Congress were not included.

Mr. BURLESON. Will the gentleman from Wisconsin permit me?

Mr. JENKINS. Yes.

Mr. BURLESON. I should like to ask the gentleman from Massachusetts if I misunderstood him in saying that if this bill was made to apply to the products of the farm, he would have no objection to it whatever?

Mr. McCALL. I will answer the gentleman. I stated to him just what I stated on the floor of the House. I did not say products of the farm. I said that you could apply your bill to the confidential statistics required to be collected as to the products of the soil. I stated that in the concluding words which I addressed to the House.

Mr. BURLESON. I do not want any misunderstanding with the gentleman about the matter. As I understood the gentleman, he said if it was applied to statistics gathered with reference to the products of the farm he would have no objection to the bill, and I answered that all I wanted was to have the Members of Congress exhibit the courage to go on record against it.

Mr. McCALL. I think there are gentlemen here who will have courage to go on record against the whole bill.

Mr. JENKINS. I was simply saying first that the Judiciary Committee very carefully considered this bill, and then that the matter was brought to the attention of both House and Senate. I say further that when the conference committee met—

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. JENKINS. Yes.

Mr. COOPER of Wisconsin. I am in entire sympathy with the gentleman in the purpose which he seeks to accomplish by this proposed legislation, but I want to ask him this question about the second section: It reads, to summarize it, "Any Member of Congress who shall by virtue of his office or position become possessed of any information and who shall before said information is made public through regular official channels," etc. Now, what information does the gentleman from Wisconsin in charge of this bill, or do I as a Representative in Congress, acquire by virtue of my official position, that has a fixed time before it must not be made public through regular official channels?

Mr. JENKINS. I will try to answer the gentleman.

Mr. COOPER of Wisconsin. I think the difficulty is that you struck out "and which information is required by law or under the rules of any Department of the Government to be withheld from publication until a certain time."

Mr. JENKINS. That is a fair question. I am speaking now of the knowledge the House has in regard to the matter. When we were in conference we were met with this proposition. This House and the Senate had both unanimously agreed that the President of the United States and the charmen and the charwomen and the page boys in the House and Senate should not give out any information, and the question was addressed to the conference committee as to whether or not they intended to exclude Members of Congress, and have it go to the country at large that the people I am speaking of were forbidden to give out this information, but Members of Congress could use it and enjoy it to their advantage. That was a perplexing question, and some of the gentlemen here know what my attitude was with reference to it. We hesitated long as to how to bring it to the attention of the House.

Mr. McCALL. Will the gentleman yield for a question?

Mr. JENKINS. It bothers me to be disturbed in this way, but I will yield to my good friend from Massachusetts.

Mr. McCALL. I was simply going to ask the gentleman, if the divulging of information by the charwomen, and the clerks, and the President, and so forth, should be a crime, why it should not be a crime if divulged by a Member of Congress? In other words, why should you not include a Member of Congress in the first section of your bill?

Mr. JENKINS. We were authorized to include it, but gentlemen seem to be afraid of it. Now, then, Mr. Speaker, as I say, we were confronted with this question; it was pressed upon the conference committee very strongly, and I do not think I violate any confidence when I say that I thought it was proper to come to this House and ask permission to include Members of Congress. But it was finally suggested that another way was better, and we finally yielded to it, and a concurrent resolution was introduced in the Senate—unanimously passed in the Senate—authorizing the conference committee to include Members of Congress. That resolution was brought into this House and unanimously adopted by the House. The conferees followed the direction of this House in regard to this proposition.

Now, there are a lot of gentlemen want to depart from it, and cast an inference that the conference committee did not do their full duty in regard to this matter. I would not have yielded to it for a moment if we had not considered it as an instruction of the House. Now, gentlemen on the floor plead ignorance, and say that this is the first time they ever heard of it.

I want to say that when this bill was reported it was reported to this House in the usual manner by a written report, giving all the facts, and was placed upon the record almost three months ago. I say that it does not reflect credit on these gentlemen who stand up here and say that this is the first time they ever heard of it.

Now, going back to the other matter, I want to say that the proposition that was presented to the conference committee was this: Both Houses of Congress permitted the conference committee to include Members of Congress. We found this difficulty: We found that the Department obtains information that is very valuable; that almost anybody in the employ of the Government might obtain. We did not know exactly who they were, but we found that it might be an officer of the Govern-

ment, or it might be an employee of the Government, and it was concluded to embrace them both, so as to put it beyond all question. We could not exclude some by saying that this shall not apply to the President of the United States or to the Vice-President, but it was deemed best to make the language very general and not only apply to the Agricultural Department, but to all the Departments of the Government. The matter was pressed upon the committee by a Department of this Government, and we were urged to pass this bill, and we have brought it up to this House; and, Mr. Speaker, if this House does not want to agree to the conference report, the responsibility rests upon the House and not upon the Judiciary Committee. I ask for a vote.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

Mr. BURLESON. I ask for the yeas and nays.

The SPEAKER. The gentleman from Texas demands the yeas and nays. All those in favor of the yeas and nays will rise. [After counting.] Sixteen gentlemen have risen, not a sufficient number.

The question was taken; and on a division (demanded by Mr. BURLESON) there were—ayes 26, noes 101.

Mr. WILLIAMS. Mr. Speaker, I make the point that there is no quorum.

The SPEAKER. The Chair will count. [After counting.] One hundred and ninety-five Members present—a quorum.

Mr. McCALL. Mr. Speaker, if it is in order, I move to lay the bill and amendments on the table.

Mr. BURLESON. And if there is no quorum present, Mr. Speaker, the next thing is a roll call.

The SPEAKER. A quorum is present; and the motion is to lay the bill and amendments on the table.

Mr. WILLIAMS. Let us have the yeas and nays.

The question was taken; and the yeas and nays were ordered.

Mr. BURLESON. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BURLESON. As I understand it, an affirmative vote is to lay the conference report upon the table, and that carries the bill.

The SPEAKER. The Chair will again state the motion. The motion is to lay the bill with the amendments upon the table. The House has already disagreed to the conference report.

Mr. BURLESON. Mr. Speaker, I make no pretensions to being a parliamentary sharp, and I want to ask the Chair for information. [Laughter.]

The SPEAKER. The motion to lay the bill or any measure on the table is not debatable.

Mr. BURLESON. A parliamentary inquiry.

The SPEAKER. Is it possible for the gentleman to make one without debating it?

Mr. BURLESON. Certainly, Mr. Speaker; I never violate the rules of the House. Is it too late to ask for a nonconurrence in the conference report, and ask for a further conference?

The SPEAKER. Yes; the motion to lay on the table would dispose of the bill, and has precedence under the rule.

The question was taken; and there were—yeas 107, nays 66, answered "present" 35, not voting 173, as follows:

YEAS—107.

Adams, Wis.	Dwight	Jones, Wash.	Murphy
Allen, Me.	Edwards	Kelley	Needham
Ames	Ellis	Kellher	Olcott
Babcock	French	Kennedy, Nebr.	Overstreet
Bannon	Gardner, Mich.	Kennedy, Ohio	Payne
Barchfeld	Gilbert, Ind.	Kinkaid	Perkins
Bates	Goulden	Lacey	Pollard
Bennet, N. Y.	Graham	Landis, Chas. B.	Prince
Bennett, Ky.	Granger	Landis, Frederick	Reeder
Blshop	Grosvenor	Lawrence	Rodenberg
Bonyng	Hale	Le Fevre	Ryan
Bradley	Haugen	Lilley, Pa.	Small
Brown	Hay	Longworth	Smyser
Brownlow	Hedge	Loud	Southard
Burke, Pa.	Henry, Conn.	Lovering	Southwick
Campbell, Ohio	Hepburn	McCall	Stevens, Minn.
Capron	Hermann	McGavin	Sullivan, Mass.
Chaney	Higgins	McKinlay, Cal.	Sulloway
Cockran	Hill, Conn.	McLachlan	Tawney
Cocks	Hinshaw	McNary	Taylor, Ohio
Cooper, Pa.	Hoar	Madden	Thomas, Ohio
Crumpacker	Holliday	Marshall	Townsend
Cushman	Howell, N. J.	Miller	Tyndall
Dale	Howell, Utah	Minor	Wharton
Darragh	Humphrey, Wash.	Moon, Tenn.	Wood, N. J.
Denby	Hunt	Mouser	Young
Dunwell		Murdock	

NAYS—66.

Alker	Burleson	Dawson	Gardner, Mass.
Beall, Tex.	Burnett	De Armond	Garrett
Birdsall	Candler	Dixon, Ind.	Gillespie
Bowie	Chapman	Ellerbe	Graft
Brantley	Clark, Fla.	Esch	Gregg
Brundidge	Clayton	Floyd	Hamilton
Burgess	Cooper, Wis.	Foster, Ind.	Hedlin

Henry, Tex.	Macon	Slayden	Tirrell
Hopkins	Mann	Smith, Ill.	Trimble
Hubbard	Norris	Smith, Tex.	Underwood
Humphreys, Miss.	Patterson, S. C.	Sperry	Wallace
Johnson	Rhodes	Spight	Wiley, Ala.
Lamb	Robertson, La.	Stafford	Williams
Lee	Robinson, Ark.	Stephens, Tex.	Wilson
Lewis	Rucker	Sterling	Zenor
Lloyd	Russell	Taylor, Ala.	
McKinney	Sims	Thomas, N. C.	

ANSWERED "PRESENT"—35.

Bartlett	Dixon, Mont.	Lever	Sheppard
Bell, Ga.	Finley	Livingston	Sherman
Boutell	Foster, Vt.	Maynard	Smith, Iowa
Brick	Fulkerson	Olmsted	Smith, Samuel W.
Buckman	Fuller	Otjen	Stanley
Clark, Mo.	Howard	Patterson, N. C.	Steenerson
Davey, La.	Jenkins	Powers	Wanger
Davis, Minn.	Kline	Richardson, Ala.	Wood, Mo.
Dickson, Ill.	Lester	Shackleford	

NOT VOTING—173.

Acheson	Field	Lafean	Rives
Adams, Pa.	Fitzgerald	Lamar	Rixey
Adamson	Flack	Law	Roberts
Alexander	Fletcher	Legare	Ruppert
Allen, N. J.	Flood	Lilley, Conn.	Samuel
Andrus	Fordney	Lindsay	Schneebell
Bankhead	Foss	Littauer	Scott
Bartholdt	Fowler	Little	Scroggy
Bede	Gaines, Tenn.	Littlefield	Shartel
Beldier	Gaines, W. Va.	Lorimer	Shelley
Bingham	Garber	Loudenslager	Sibley
Blackburn	Gardner, N. J.	McCarthy	Slemp
Bowers	Garner	McCleary, Minn.	Smith, Cal.
Bowersock	Gilbert, Ky.	McCreary, Pa.	Smith, Ky.
Brooks, Tex.	Gill	McDermott	Smith, Md.
Brooks, Colo.	Gillett, Cal.	McKinley, Ill.	Smith, Wm. Alden
Broussard	Gillett, Mass.	McLain	Smith, Pa.
Burke, S. Dak.	Glass	McMorran	Snapp
Burleigh	Goebel	Mahon	Southall
Burton, Del.	Goldfogle	Martin	Sparkman
Burton, Ohio	Greene	Meyer	Sullivan, N. Y.
Butler, Pa.	Griggs	Michalek	Sulzer
Butler, Tenn.	Gronna	Mondell	Talbott
Byrd	Gudger	Moon, Pa.	Towne
Calder	Hardwick	Moore	Van Duzer
Calderhead	Haskins	Morrell	Van Winkle
Campbell, Kans.	Hearst	Mudd	Volstead
Cassel	Hill, Miss.	Nevin	Vreeland
Cole	Hitt	Padgett	Wachter
Conner	Hogg	Page	Wadsworth
Cousins	Houston	Palmer	Waldo
Cromer	Huff	Parker	Watkins
Currier	Hughes	Parsons	Watson
Curtis	Hull	Patterson, Tenn.	Webb
Dalzell	James	Pearre	Webber
Davidson	Jones, Va.	Pou	Weeks
Davis, W. Va.	Kahn	Pujo	Weems
Dawes	Ketcham	Railey	Weisse
Deemer	Kitchin, Claude	Randall, Tex.	Welborn
Dovenor	Kitchin, Wm. W.	Ransdell, La.	Wiley, N. J.
Draper	Klepper	Reld	Woodyard
Dresser	Knapp	Reynolds	
Driscoll	Knopf	Rhinoek	
Fassett	Knowland	Richardson, Ky.	

So the bill and amendments were laid on the table.

The Clerk announced the following pairs:

For the vote:

Mr. LITTLEFIELD with Mr. DAVIS of West Virginia.

Mr. BUCKMAN with Mr. GILBERT of Kentucky.

Mr. FASSETT with Mr. LIVINGSTON.

Mr. DAVIS of Minnesota with Mr. BOWERS.

Mr. BOUTELL (against) with Mr. GRIGGS (in favor).

Mr. ANDRUS with Mr. FLOOD.

Mr. VREELAND with Mr. JONES of Virginia.

Mr. GILLET of Massachusetts with Mr. TOWNE.

For the balance of the day:

Mr. BROOKS of Colorado with Mr. RICHARDSON of Alabama.

Mr. LITTAUER with Mr. STANLEY.

Mr. ALEXANDER with Mr. RANDELL of Texas.

Mr. KAHN with Mr. TALBOTT.

Until the end of the session:

Mr. WANGER with Mr. ADAMSON.

Mr. CURTIS. Mr. Speaker, I would like to have my name called.

The SPEAKER. Was the gentleman present?

Mr. CURTIS. I was in conference on the Indian appropriation bill.

The SPEAKER. The gentleman does not bring himself within the rules.

Mr. CURTIS. I understand that this is a call of the House.

The SPEAKER. No; it is not.

The result of the vote was announced as above recorded.

Mr. BURLESON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 8976. An act to change the line of the reservation at Hot Springs, Ark., and of Reserve avenue; and

H. R. 13938. An act to extend the privileges of the seventh section of the act approved June 10, 1880, to the port of Oswego, N. Y.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 395. An act concerning foreign-built dredges.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. ROBERTS, for one week, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. HUNT to withdraw from the files of the House, without leaving copies, the papers in the case of Harriet E. Hall, Fifty-seventh Congress, no adverse report having been made thereon.

ADJOURNMENT.

Then, on motion of Mr. PAYNE (at 3 o'clock and 33 minutes p. m.), the House adjourned until Monday, May 21, 1906, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, transmitting, with copies of letters from the Commissioner of Pensions and the United States pension agent at Washington City, a statement as to an accumulation of useless documents—to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the president of the Spanish Treaty Claims Commission submitting an estimate of appropriation for payment of the award in favor of J. R. Sowers, administrator of estate of John A. Sowers—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Fair Columbia*, Joseph Myrick, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Richard T. Marsell against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of H. N. Vaughn, executor of the estate of Benjamin Kirk, against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the House joint resolution (H. J. Res. 158) amending section 2 of joint resolution approved July 1, 1902, construing the act of June 27, 1890, reported the same without amendment, accompanied by a report (No. 4339); which said joint resolution and report were referred to the House Calendar.

Mr. BIRDSALL, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 19379) providing for the manner of selecting and impaneling juries in the United States courts in the Territories of the United States, reported the same with amendment, accompanied by a report (No. 4340); which said bill and report were referred to the House Calendar.

Mr. McCLEARY of Minnesota, from the Committee on the Library, to which was referred the bill of the House (H. R. 13304) to provide a suitable memorial to the memory of Christopher Columbus, reported the same without amendment, ac-

companied by a report (No. 4341); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18124) granting an increase of pension to Theodore T. Davis, reported the same without amendment, accompanied by a report (No. 4276); which said bill and report were referred to the Private Calendar.

Mr. KELHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17809) granting a pension to William Barrett, reported the same with amendment, accompanied by a report (No. 4277); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17632) granting an increase of pension to John Frick, reported the same without amendment, accompanied by a report (No. 4278); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17896) granting an increase of pension to James K. Dickinson, reported the same with amendment, accompanied by a report (No. 4279); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19272) granting an increase of pension to Alice Morrill, reported the same with amendment, accompanied by a report (No. 4280); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18764) granting an increase of pension to Mary Stone, reported the same with amendment, accompanied by a report (No. 4281); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18504) granting an increase of pension to James T. Rambo, reported the same without amendment, accompanied by a report (No. 4282); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19238) granting an increase of pension to Daniel S. Conover, reported the same without amendment, accompanied by a report (No. 4283); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19053) granting an increase of pension to John T. Heaney, reported the same with amendment, accompanied by a report (No. 4284); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19301) granting an increase of pension to Caroline L. Hodgdon, reported the same without amendment, accompanied by a report (No. 4285); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18956) granting an increase of pension to Joseph Scattergood, reported the same without amendment, accompanied by a report (No. 4286); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18732) granting a pension to James J. Christy, reported the same with amendment, accompanied by a report (No. 4287); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18876) granting an increase of pension to Lemuel Hand, reported the same with amendment, accompanied by a report (No. 4288); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18911) granting an increase of pension to Frances Becker, reported the same with amendment, accompanied by a report (No. 4289); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18433) granting an increase of pension to William Wentz, reported the same

with amendment, accompanied by a report (No. 4290); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19242) granting an increase of pension to Anthony W. Miller, reported the same with amendment, accompanied by a report (No. 4291); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18869) granting an increase of pension to Ellis L. Ayres, reported the same with amendment, accompanied by a report (No. 4292); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18954) granting an increase of pension to John E. Minnick, reported the same with amendment, accompanied by a report (No. 4293); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18623) granting an increase of pension to J. H. Bradberry, reported the same with amendment, accompanied by a report (No. 4294); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19179) granting an increase of pension to Eliza A. Smith, reported the same without amendment, accompanied by a report (No. 4295); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19253) granting an increase of pension to Charles H. Thompson, reported the same without amendment, accompanied by a report (No. 4296); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18833) granting an increase of pension to Henry Horton, reported the same with amendment, accompanied by a report (No. 4297); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19217) granting an increase of pension to William H. Burns, reported the same with amendment, accompanied by a report (No. 4298); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18360) granting an increase of pension to Fanny G. Pomeroy, reported the same with amendment, accompanied by a report (No. 4299); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18475) granting an increase of pension to Joseph F. Cook, reported the same with amendment, accompanied by a report (No. 4300); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18790) granting an increase of pension to James Murphy, reported the same with amendment, accompanied by a report (No. 4301); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18656) granting an increase of pension to George W. Gordon, reported the same with amendment, accompanied by a report (No. 4302); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19121) granting an increase of pension to Isaac Overton, reported the same without amendment, accompanied by a report (No. 4303); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18384) granting an increase of pension to James F. Young, reported the same with amendment, accompanied by a report (No. 4304); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16973) granting an increase of pension to John H. Smith, reported the same with amendment, accompanied by a report (No. 4305); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16613) granting an increase of pension to William C. Fox, reported the same with amendment, accompanied by a report (No. 4306); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13998) granting an increase of pension

to J. C. Barnwell, reported the same with amendment, accompanied by a report (No. 4307); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13967) granting a pension to Sophie M. Staab, reported the same with amendment, accompanied by a report (No. 4308); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4397) granting an increase of pension to John M. Byers, reported the same with amendment, accompanied by a report (No. 4309); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14505) granting an increase of pension to John L. Clifton, reported the same with amendment, accompanied by a report (No. 4310); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14107) granting an increase of pension to Isaac Maines, reported the same without amendment, accompanied by a report (No. 4311); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14558) granting an increase of pension to Martha L. Wood, reported the same with amendment, accompanied by a report (No. 4312); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14705) granting an increase of pension to Alva Beebe, reported the same without amendment, accompanied by a report (No. 4313); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15063) granting an increase of pension to Henry W. Brown, reported the same with amendment, accompanied by a report (No. 4314); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13949) granting an increase of pension to Mary A. Duryea, reported the same with amendment, accompanied by a report (No. 4315); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15653) granting an increase of pension to Eliza J. Hudson, reported the same with amendment, accompanied by a report (No. 4316); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15674) granting an increase of pension to Susan Campbell, reported the same with amendment, accompanied by a report (No. 4317); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13032) granting an increase of pension to Stewart McKeney, reported the same without amendment, accompanied by a report (No. 4318); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13652) granting an increase of pension to William O. Tobey, reported the same with amendment, accompanied by a report (No. 4319); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13609) granting an increase of pension to Charles H. Guile, reported the same with amendment, accompanied by a report (No. 4320); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10563) granting an increase of pension to Joseph D. Cummins, reported the same with amendment, accompanied by a report (No. 4321); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7683) granting an increase of pension to James Ross, reported the same with amendment, accompanied by a report (No. 4322); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7635) granting a pension to Delia Gibbs, reported the same with amendment, accompanied by a report (No. 4323); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8291) granting an increase of pension to Daniel S. Chase, reported the same with amendment, accompanied by a report (No. 4324); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8285) granting an increase of pension to Daniel Sharpley, reported the same with amendment, accompanied by a report (No. 4325); which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8920) granting a pension to Andrew J. Lane, reported the same with amendment, accompanied by a report (No. 4326); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10280) granting an increase of pension to James Spencer, reported the same without amendment, accompanied by a report (No. 4327); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10356) granting an increase of pension to Martin B. Doty, reported the same with amendment, accompanied by a report (No. 4328); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9838) granting an increase of pension to Joseph Ferguson, reported the same without amendment, accompanied by a report (No. 4329); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10394) granting an increase of pension to John Behymer, reported the same with amendment, accompanied by a report (No. 4330); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4887) granting an increase of pension to John F. Brown, reported the same without amendment, accompanied by a report (No. 4331); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4891) granting an increase of pension to George W. Swadley, reported the same with amendment, accompanied by a report (No. 4332); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 717) granting an increase of pension to O. B. Morrison, reported the same with amendment, accompanied by a report (No. 4333); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2867) granting an increase of pension to Leah Bedford, reported the same with amendment, accompanied by a report (No. 4334); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2410) granting an increase of pension to Saturnin Jasnowski, reported the same with amendment, accompanied by a report (No. 4335); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2229) granting an increase of pension to Lytle McCracken, reported the same with amendment, accompanied by a report (No. 4336); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2053) granting an increase of pension to Annie A. Townsend, reported the same with amendment, accompanied by a report (No. 4337); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1294) granting an increase of pension to George W. Van De Bogert, reported the same with amendment, accompanied by a report (No. 4338); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CAMPBELL of Kansas: A bill (H. R. 19496) granting pensions to ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. CAPRON: A resolution (H. Res. 532) authorizing the compilation of the debates in Congress on the railway rate bill—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BATES: A bill (H. R. 19497) granting a pension to Thomas Moran—to the Committee on Pensions.

By Mr. BRADLEY: A bill (H. R. 19498) granting an increase of pension to Sarah Neely—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19499) granting an increase of pension to Thomas Milson—to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 19500) for the relief of Indian traders Marion Wescott, F. F. Green, and J. A. Leige, assignee of Joseph F. Gauthier, a Menominee Indian trader, with the Menominee Indians of Wisconsin—to the Committee on Indian Affairs.

Also, a bill (H. R. 19501) for the relief of the legal representatives of the late Maj. William M. Maynadier, paymaster, United States Army—to the Committee on Claims.

By Mr. EDWARDS: A bill (H. R. 19502) for the relief of Francis A. Taylor—to the Committee on Military Affairs.

Also, a bill (H. R. 19503) granting an increase of pension to David S. Jones—to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 19504) granting an increase of pension to Margaret E. Walker—to the Committee on Pensions.

By Mr. LEVER: A bill (H. R. 19505) for the relief of Thomas M. S. Rhett and Ann S. Elliott, heirs at law of Edmund Rhett—to the Committee on War Claims.

By Mr. McGUIRE: A bill (H. R. 19506) donating lands in Oklahoma Territory for educational purposes—to the Committee on the Public Lands.

Also, a bill (H. R. 19507) donating lands in Oklahoma Territory for educational purposes—to the Committee on the Public Lands.

By Mr. RHODES: A bill (H. R. 19508) granting an increase of pension to George J. Jordan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19509) granting a pension to Daniel M. Mead—to the Committee on Invalid Pensions.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 19510) granting an increase of pension to Richard B. West—to the Committee on Pensions.

By Mr. SLEMP: A bill (H. R. 19511) granting an increase of pension to Alexander Dixon—to the Committee on Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 19512) granting an increase of pension to Joshua B. Davis—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 19513) granting an increase of pension to Jane M. Barkalow—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Alabama: A bill (H. R. 19514) granting an increase of pension to James H. Stimpson—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 8825) for the relief of Thomas H. Kent, and it was referred to the Committee on Indian Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the city council of Chicago, for Federal control, alone, of the outflow from Lake Michigan into the Chicago city canal—to the Committee on Rivers and Harbors.

By Mr. BATES: Petition of E. K. Thompson et al., of Titusville, Pa., favoring passage of the Mann bill (H. R. 8102)—to the Committee on Patents.

Also, petition of A. K. Walters, secretary of Grange No. 955, of Albion, Pa., for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, petition of A. K. Walters, secretary of Grange No. 955, of Albion, Pa., for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of E. O. Allen, master of Grange No. 423, of Waterford, Pa., for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of W. H. Watson, master of Grange No. 816, of Conneautville, Pa., for repeal of revenue tax on denatured alcohol—to the Committee on Ways and Means.

Also, petition of W. H. Watson, master of Grange No. 816, of Conneautville, Pa., for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of C. L. Giddings, secretary of Waterford (Pa.) Grange, favoring instruction in agriculture by public schools—to the Committee on Agriculture.

Also, petition of John McCormick & Son, of Erie, Pa., for a salaried inspector of asphalt in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BENNET of New York: Paper to accompany bill for relief of William Winslow Bennett—to the Committee on Invalid Pensions.

By Mr. BRANTLEY: Petition of Local Union No. 634, of Brunswick, Ga., of the International Longshoremen's Marine and Transportation Association, against bill H. R. 5281 (the Littlefield pilotage bill)—to the Committee on the Merchant Marine and Fisheries.

By Mr. BURKE of Pennsylvania: Paper to accompany bill for relief of John McLaughlin—to the Committee on Military Affairs.

By Mr. CHANEY: Petition of the Elnora Packing Company, against subsection 3 of section 7 of bill S. 88 (the pure-food bill)—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER of Vermont: Petition of Division No. 347, Brotherhood of Locomotive Engineers, of Rutland, Vt., for the Gilbert anti-injunction bill—to the Committee on the Judiciary.

By Mr. FULLER: Petition of the city council of Chicago, for Federal control alone of the outflow of water from Lake Michigan into the Chicago city canal—to the Committee on Rivers and Harbors.

By Mr. GRAHAM: Paper to accompany bill for relief of Anna K. Rhodes—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: Petitions of members of the faculty of Teachers' College, of New York City, and the University of Pennsylvania; the Larkin Company et al., of Buffalo, N. Y.; Reasoner Brothers, of Oneco, Fla.; the New Haven (Mo.) Nurseries; Joseph Parker & Son and 3 others, of New Haven, Conn., and R. T. Mitter, jr., and 60 others, of Chicago, Ill., favoring consolidation of third and fourth class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HOAR: Petition of Osmond J. Billings et al., for investigation of abuses in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. LINDSAY: Petition of the United Boiler Makers and Iron-ship Builders of North America, for improvement of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. ROBERTSON of Louisiana: Paper to accompany bill for relief of Richard B. West—to the Committee on Pensions.

By Mr. SMITH of Illinois: Petition of the Herald, of Carversville, Ill., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SMITH of Pennsylvania: Petition of the Democrat Publishing Company, of Indiana, Pa., against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Indiana Democrat, of Indiana, Pa., to amend the Postal Laws and Regulations making all subscriptions legitimate whether paid for by actual subscribers or not—to the Committee on the Post-Office and Post-Roads.

By Mr. SAMUEL W. SMITH: Petition of Harry H. Peters et al., for bill H. R. 8102 (the Mann bill)—to the Committee on Patents.

By Mr. STEPHENS of Texas: Petition of citizens of Jacksboro, county of Jackson, Tex., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. WHARTON: Petition of the Constitution League of the United States, demanding enforcement of the Constitution in States where the suffrage has been unconstitutionally denied or abridged—to the Committee on the Judiciary.

By Mr. WOOD of New Jersey: Petition of the city council of Chicago, for the sole control by the Federal Government of outflow of Lake Michigan water into the Chicago city canal—to the Committee on Rivers and Harbors.

Also, petition of the Home Missionary Society of the church at Stockton, N. J., for an amendment to Constitution prohibiting polygamy—to the Committee on the Judiciary.

SENATE.

MONDAY, May 21, 1906.

Prayer by Rev. ROBERT M. MOORE, of the city of Washington. The VICE-PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

CLAIM OF JOHN N. NEWKIRK.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, stating that pursuant to law he had transmitted to the Speaker of the House of Representatives the claim of John N. Newkirk, postmaster at San Diego, Cal., for credit on account of loss resulting on the burglary of his office on February 25, 1906, etc.; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

DISPOSITION OF USELESS PAPERS.

The VICE-PRESIDENT. The Chair presents a communication from the Secretary of the Interior, transmitting a copy of a letter from the Commissioner of Pensions, embodying a list of useless papers in the various pension agencies throughout the country which are of no practical value or historical interest and not required in the transaction of public business.

The communication will be referred to a joint committee on the destruction of useless papers in the Executive Departments, and the Chair will appoint as members of the committee on the part of the Senate the Senator from Alabama [Mr. PETTUS] and the Senator from New Hampshire [Mr. GALLINGER].

The House of Representatives will be notified of this action.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Loring G. Emerson v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Florville Kerlegan v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

FRENCH SPOILIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel ship *Madison*, Samuel Hancock, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *Polly*, Joseph Clements, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel *John*, James Scott, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *Fair Columbian*, Joseph Myrick, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had passed a bill (H. R. 850) making appropriation to pay to the legal representatives of the estate of Samuel Lee, deceased, to wit, Samuel Lee, Anna Lee Andrews, Clarence Lee, Robert Lee, Harry A. Lee, and Phillip Lee, heirs at law, in full for any claim for pay and allowances made by reason of the election of